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1 loop -- it gives information on the loop
2 available. So it could be that when we actually
3 go to provision it, the actual loop that's
4 available at the time the order is actually
5 placed, especially if they get the loop qual
6 ahead of time, you know, be it a week or so
7 before they place the order, may actually be
8 different, and that's not anything that has to
9 do with Southwestern Bell's fault. It just has
10 to do with the facilities may have gone to
11 somebody else, and now you get the next best
12 available loop.

13 MR. MINTER: But the measure we're
14 asking for is fairly reasonable. We're asking
15 that you measure -- that if you give us
16 information, we order it based on that
17 information, all we're asking for is a
18 measurement of the percentage of time and the
19 trouble that affects us based on that
20 information.

21 MR. SRINIVASA: Mr. Dysart, on
22 this loop makeup data, you know, if there's
23 trouble reported, can you go back off the line,
24 at least investigate and see if that trouble
25 report can be tracked, specifically if it

1 these series of maintenance PMS, there is an
2 actual exclusion currently proposed by
3 Southwestern Bell to exclude DSL loops greater
4 than 12,000 feet with load coils, repeaters
5 and/or excessive bridged taps for which a CLEC
6 has not authorized conditioning. So we would
7 expect there to be a need for change of the
8 exclusion as well.

9 MR. SRINIVASA: Well, when we get
10 to that, we'll take that up.

11 MR. MINTER: One other issue on
12 this particular subject while we're talking
13 about it, Nara, is Southwestern Bell has a
14 process where if a loop makeup comes back as
15 green, that they basically do not, on a retro
16 basis, they do not require you to do an actual
17 loop makeup request. However, we found that in
18 many cases, even though a loop makeup comes back
19 green, to place an order assuming no
20 conditioning is required because SBC is supposed
21 to take care of any if there is, we end up
22 having excessive bridged taps or some sort of
23 problem on it anyway. So I'd like to address
24 that in the measure while you're thinking about
25 it, Randy.

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1 relates to -- you mentioned earlier how do you
2 measure the practical aspects of it. If they're
3 calling back and telling you, "The loop makeup
4 data you gave me is inaccurate," then you have a
5 way to track that.

6 MR. MINTER: They have --
7 (Simultaneous discussion)

8 MR. SRINIVASA: Mr. Minter? Mr.
9 Minter? Mr. Minter, can you hold on? I'm
10 waiting for a response from Mr. Dysart.

11 MR. DYSART: This is Randy Dysart.
12 We'll take this off-line and take it under
13 consideration what Mr. Minter said and
14 Mr. Cowlishaw said.

15 MS. CHAPMAN: I would think we
16 would expect to have some sort of disaggregation
17 based on whether -- if we did have this type of
18 measure based on whether or not the CLECs based
19 their order on design information or manual
20 because obviously they're going to be very
21 different, depending on what information they're
22 using when they place the order.

23 MS. MUDGE: And to the extent that
24 that's true, in looking at PM Measurement No.
25 65, which is trouble report rate, throughout

1 MR. SRINIVASA: Did you hear what
2 Mr. Minter stated?

3 MR. DYSART: Yes, we'll talk about
4 it over lunch.

5 MR. SRINIVASA: Okay. I think we
6 are going to take a lunch break. We'll be back
7 at 1:15.

8 (Recess: 12:15 p.m. to 1:30 p.m.)

9 MR. SRINIVASA: Let's get back on.

10 Prior to the lunch break we were on
11 1.3, which was 1.2 before. Now we're going to
12 get on to 1.4, which is 1.3, I should say.

13 (Laughter)

14 MR. SRINIVASA: Again, this is
15 proposed by Covad and Rhythms, average response
16 time for missing actual loop makeup information.

17 Can you explain to everybody exactly
18 what performance this is capturing?

19 MS. MUDGE: I think it's --
20 Katherine Mudge on behalf of Rhythms.

21 The purpose of this measurement is, we
22 have experienced situations in which we have
23 asked for actual loop makeup information, and
24 not all of the actual loop makeup information
25 for which we are entitled to under the

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1 interconnection agreement is included in that
2 information.

3 And so, we then are required to go back
4 and say, you know, "This box is not checked," or
5 there's nothing that indicates the number of ____
6 checks, because it's just not on the information
7 that we receive.

8 And so this is intended to track the
9 amount of time, on an average basis, the amount
10 of time it takes for Southwestern Bell to get
11 back to us to provide us that additional
12 information that should have been provided
13 initially.

14 JUDGE MASON: Can I ask you one
15 question?

16 MS. MUDGE: Yes, sir.

17 JUDGE MASON: Is this sporadic of
18 what is not provided or is it consistent fields
19 not provided? I'm just -- for clarification for
20 my understanding.

21 MS. MUDGE: Judge Mason, that is a
22 fair question. And that is one that I'd be
23 happy to -- I don't have a specific answer for
24 you.

25 When we were talking about this in

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1 call and say, "We just got this information. It
2 doesn't provide us with all the information we
3 need. We need additional information."

4 I don't believe, Judge Srinivasa, that
5 there is an actual supplement for additional
6 requests for additional loop makeup information.

7 MR. GOODPASTOR: This is
8 Chris Goodpastor with Covad. That's my --
9 that's consistent with my understanding as well.

10 MR. SRINIVASA: Can Southwestern
11 Bell respond?

12 MS. CHAPMAN: Sorry. I wasn't
13 quite -- before, I hadn't quite understood what
14 they were trying to capture here, so I'm having
15 to try and think about it a little bit because I
16 didn't really understand what the performance --

17 MR. SRINIVASA: Let me see what my
18 understanding of what they're stating.

19 When they send in a request for loop
20 makeup information -- I'm not talking about
21 electronics or how -- the actual loop makeup
22 information, the response they get back, either
23 through e-mail or through fax, whatever they
24 get, sometimes is incomplete. Not all
25 information is in there.

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1 preparation of this performance measurement, I
2 have to say that I don't recall any indication
3 either way, but that it was a problem and we
4 wanted to see if there was a way to track how
5 long that it took for Southwestern Bell to get
6 back to us, because that affected, then, how we
7 could proceed in terms of our LSR, whether we
8 would supplement and whether -- when we could
9 provide the customer with the actual service.

10 MR. SRINIVASA: Let me ask you
11 this.

12 MS. MUDGE: Yes, sir.

13 MR. SRINIVASA: You're getting the
14 loop makeup data, it is incomplete. First
15 place, it's not complete. That's one thing --
16 that's what I heard you stating.

17 MS. MUDGE: Yes, sir.

18 MR. SRINIVASA: Second is, when it
19 is incomplete, what action do you take? Do you
20 supplement or do you send another request? What
21 happens?

22 MS. MUDGE: If it is incomplete?

23 MR. SRINIVASA: Yes.

24 MS. MUDGE: It is my understanding
25 that our folks actually pick up the phone and

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1 Subsequently what they're saying that I
2 was trying to find out, if they send in another
3 request, another fax -- they said that sometimes
4 they contact your LSC personnel via telephone
5 and say that this information is missing, and I
6 believe -- do you get some information -- they
7 do get the information back which completes the
8 loop makeup data.

9 And what they're stating is, the time
10 it takes to get the additional loop makeup data
11 from the time they call in asking that the
12 information you provided is incomplete, what I'm
13 trying to find out is: How often does that
14 happen? And if it does, how long does it take
15 for you to respond back?

16 MS. CHAPMAN: Do you have any idea
17 of, percentagewise, how often you would have an
18 incomplete -- and this would only apply to a
19 manually performed request, because an
20 electronic one, we're going to return all the
21 data we have.

22 So for some fields there is no data
23 available; they get what data we have. So this
24 would only apply for responses where a manual
25 request was requested.

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1 MR. SRINIVASA: When you say a
2 "manual request," that's manual request
3 originating from CLECs?
4 MS. CHAPMAN: Where the CLECs had
5 requested that we -- that our engineers perform
6 a manual lookup in -- you know, of our manual
7 records for any data not available
8 electronically.
9 MR. SRINIVASA: Okay. So it is
10 not the CLECs requesting manually, is it your --
11 there's a manual process to look up the data,
12 that's what you're referring to, that's on your
13 side?
14 MS. CHAPMAN: That's correct.
15 MS. HAMM: This is Kim Hamm,
16 Southwestern Bell, LSC. In the Loop Qual 3.0,
17 the engineer has to put information on those
18 fields or -- when it's sent back to you. As far
19 as an edit being done to make sure that he's
20 visited those fields, that's something that
21 we've requested for upcoming releases to look at
22 in the programming to make sure that he visits
23 each spot, whether it's with a number or a zero
24 instead of the system automatically populating.
25 So that's an edit we've requested going forward.

1 MS. CHAPMAN: Right. So that the
2 engineer would be required -- would not be
3 allowed to send it back unless they had
4 completed it so there could not be an incomplete
5 one. And that is an edit that we are --
6 MS. HAMM: And that's --
7 MS. CHAPMAN: -- will be
8 implementing.
9 MS. HAMM: And that's what we're
10 calling a manual request. Even though it goes
11 back mechanically, that's a manual request. A
12 man actually, so to speak, fills it out.
13 MS. CHAPMAN: Or a woman.
14 MS. HAMM: Or a woman.
15 MR. SRINIVASA: A person. A
16 person intervention.
17 What I'm trying to still understand is,
18 when you say they are retrieving this
19 information through a terminal and it appears on
20 the screen, and when you send it back, either
21 you send it via e-mail or at the same time that
22 system -- whatever information you send via
23 e-mail, you load that onto your loop makeup
24 database system or loop qual system, you call
25 it --

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1 I think maybe what Ms. Mudge is
2 referring to is, in our old system where the
3 manual tracker was used, the engineer could
4 forget to populate a field or not populate a
5 field and the CLEC wouldn't know if it wasn't
6 populated or if he forgot it. That would have
7 created some difficulty. But in the new loop
8 qual system, I don't think that will be an issue
9 because --
10 MR. SRINIVASA: Well, to the
11 extent there's a manual process for looking up
12 the data, apparently 75 percent of the loop
13 information is not available in the loop qual
14 system -- it's not automated, so there's still a
15 manual process to go there and look it up.
16 MS. HAMM: The manual process
17 would be done mechanically now through the
18 system. Even though the engineer is manually
19 finding that information, he's going to a screen
20 and populating it and sending it mechanically
21 back.
22 So we've requested the fields that are
23 required to have an edit to where he had to
24 visit there with a zero or a number so that it
25 wouldn't come back incomplete to you.

1 MS. CHAPMAN: Right.
2 MR. SRINIVASA: -- right? Okay.
3 Simultaneously that happens.
4 What if that information that you
5 retrieved, okay, is incomplete?
6 MS. CHAPMAN: Well, that's what
7 the edits will do, will not allow the engineer
8 who's manually completing this form, it will not
9 allow them to update it in the loop qual system
10 unless they fully complete the data with all the
11 fields that are required, so --
12 MR. SRINIVASA: Who does the --
13 I'm trying to see where the editing occurs. So
14 when you retrieve that information, somebody
15 manually edits before it sends out --
16 MS. CHAPMAN: No. We're going to
17 be putting edits in the loop qual system itself
18 so that when that engineer is going and
19 inputting all these different fields like -- you
20 know, they go in and they look up the loop link,
21 the load coils, and what the edits will do is
22 require that they put a valid number into the
23 load coil field. You know, that they put
24 something -- positively put an entry in each of
25 these different fields so that it won't allow

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1 them to accidentally skip load coils. You know,
2 they looked it up and forgot to type something
3 in there, then it they wouldn't let them send
4 that loop coil and update it. It would make
5 them fill that out.

6 MR. SRINIVASA: So edit is looking
7 at, are all the fields filled or not?

8 MS. CHAPMAN: Right.

9 MR. SRINIVASA: If it is not,
10 there's a flag, generally.

11 MS. CHAPMAN: Right.

12 JUDGE MASON: When's that supposed
13 to be in place?

14 MS. CHAPMAN: That's -- I'm sorry.
15 I don't have that because I didn't -- like I
16 said, I didn't quite understand what they were
17 asking for, so I wasn't prepared to find out --
18 I know that that is something that is fairly
19 imminent, but I don't have a date. We can get
20 that and let you know.

21 MR. SRINIVASA: Okay. Until it's
22 implemented and tested and make -- you know,
23 then there is this problem of incomplete
24 information going to the CLECs.

25 MS. CHAPMAN: There could be a

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1 possibility that an engineer might forget a
2 field, yes.

3 MR. SRINIVASA: Okay. Now, how
4 often does it happen -- only they have to call
5 you and let you know, right? Because the edit
6 is not in place, the CLECs do the edit and then
7 they call you and let you know and say, "This is
8 missing."

9 MS. CHAPMAN: That's right,
10 because the LSC isn't even looking at those,
11 so --

12 MR. SRINIVASA: Right.

13 MS. CHAPMAN: -- we wouldn't know
14 unless they let us know.

15 MR. SRINIVASA: What I'm trying to
16 find out: Can you track how often do they call
17 you? Until -- when you put in the edit,
18 probably it's going to be zero. Right now,
19 isn't this a diagnostic? That's what you're
20 trying to track until the new system goes up?

21 MS. MUDGE: We don't have it
22 currently like that, but we can do that.

23 MS. HAMM: Kim Hamm, Southwestern
24 Bell LSC.

25 Currently right now, because that edit

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1 wasn't in place, the system, if an engineer
2 didn't go to those fields, if he didn't go and
3 positively report a zero or a number, then the
4 system would put -1 in that field.

5 So right now, the CLEC has a way of
6 determining that information that he's gotten
7 back from a man/woman, manually back through
8 mechanical system. If they saw -1 in that
9 field, they would know there was a problem.
10 They could contact the LSC or they could submit
11 another request, whichever they would prefer to
12 do.

13 MR. SRINIVASA: Exactly. That's
14 what we're trying to find out: How often that
15 negative one occurs and how frequently do they
16 call in a given month for -- can you provide
17 that information?

18 I mean, apparently you are providing
19 some information -- that's your product -- and
20 if it is not complete, that means there's a
21 defect in the product and they're calling you,
22 "There's a defect." That's why they're calling
23 you. That means it's not complete.

24 MS. MUDGE: Judge Srinivasa, it
25 actually measures two things. It will track the

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1 number of times that that occurs, but this also
2 tracks the average response time from the time
3 that the CLEC contacts Southwestern Bell to
4 obtain that additional information, how long it
5 takes to get that information back.

6 So it actually accomplishes what you're
7 saying, but it also says, "Then how long will it
8 take Southwestern Bell to get back to us," which
9 has been a variation.

10 MR. SRINIVASA: How can that be
11 reported under one measure? That's what I'm
12 trying -- I mean, you're trying to measure the
13 frequency and at the same time the response, it
14 can't be the same measure.

15 MR. GOODPASTOR: Well, the
16 frequency would be in the denominator, the
17 number of incomplete loop makeups received by a
18 CLEC in which that CLEC informed Southwestern
19 Bell. And then the average response time would
20 be the sum of all the times --

21 MR. SRINIVASA: Divided by --

22 MR. GOODPASTOR: -- divided by the
23 number.

24 JUDGE MASON: Let me ask you one
25 question. Is there ever -- it seems like now

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1 there may be some inconsistency with it -- this
2 update may fix the problem if you have to fill
3 out every slot or whatever.
4 But is there situations now to where
5 you think you have incomplete data and you call
6 them and then they simply didn't have that and
7 they simply forgot to fill out that portion? I
8 mean, I'm just trying to figure out the dynamics
9 here.
10 MS. MUDGE: It is my understanding
11 that it is a variety of responses. There have
12 been situations, first of all, Judge Mason --
13 and apologize, and I've written that down to try
14 to see if I can give you numbers.
15 It is my understanding that there are
16 occasions when we -- when either, we have not
17 even -- we don't get a response back from
18 Southwestern Bell after we've raised the query.
19 Second, that comes back more than a day or two
20 later. There's a third situation in which they
21 do say, "Well, we just forgot to fill that
22 filling."
23 But regardless of the reason, the
24 reality is that it affects, then, our ability to
25 determine how to proceed with that order and to

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1 ultimately provision service to the customer,
2 but I do have that as an action item, and we
3 will get that information for you.
4 And I can appreciate the fact that
5 we're talking about processes that, you know,
6 may be in place at some future point in time,
7 but I thought that when we started talking about
8 DSL that we were -- we agreed that we're not
9 going to try to be creating performance
10 measurements for processes that are not in place
11 or ones that we hope are in place in the future.
12 We're trying to talk about what -- we
13 perceive a problem here, and we're simply trying
14 to track it.
15 JUDGE MASON: And I agree with
16 that statement, but I would like comment from
17 the CLECs. Would you -- if this fix goes into
18 place in whatever time frame, does that seem to
19 be the information that you're looking for if
20 all the elements were populated, would that --
21 MR. GOODPASTOR: We would want --
22 we would probably want -- still want the measure
23 on a diagnostic level for some period going
24 forward to ensure that the process change
25 actually fixed the problem. And if within six

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1 months, or whatever the next period, if we
2 review it and say, "This is no longer a
3 problem," then we could -- be more than willing
4 to withdraw it.
5 But adding to Ms. Mudge's comments, I
6 think it's very important to realize that these
7 performance measures are not only going forward,
8 but also, you know, are going to measure
9 Southwestern Bell's performance as of the date
10 of their amended application. And therefore,
11 we'll need to apply these to not only things
12 that may be implemented in the future, but also
13 in the past.
14 MR. SRINIVASA: Well -- to me --
15 well, Mr. Dysart, go ahead.
16 MR. DYSART: This is Randy Dysart.
17 You know, that last statement about
18 applying things that are a performance
19 measurement that we create today or in the past,
20 that's totally inaccurate. That can't be done.
21 We're here on a going-forward basis as
22 part of a six-month review to evaluate
23 performance measurements. We're not going to
24 take these measurements, particularly something
25 like this, and apply it to history and say -- to

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1 prove anything. We don't have the data to do
2 that, for one thing.
3 And my point to the measurement, you
4 know, we're talking about a situation where they
5 say there's a problem. There's no evidence
6 that's been presented to us that this is a
7 problem. Yes, it probably happens. But we've
8 already got an edit that's going to go into
9 place that will fix this problem. To create a
10 performance measurements on a diagnostic basis
11 which is completely manual with knowing within a
12 certain period of time -- and we'll get you that
13 time -- that there's a fix going in place, you
14 know, it seems to me, particularly now, we are
15 just adding a measurement here, a measurement
16 there. And yeah, we're calling them
17 diagnostics, but I have to collect the data.
18 And if there is no evidence of a
19 problem that's been presented -- I mean, we said
20 we don't know the magnitude of this -- I find it
21 not very useful to create a new measurement in
22 anticipation of a problem that may occur or that
23 we don't even know the magnitude of.
24 MR. GOODPASTOR: If we need to do
25 this with an affidavit, it's not a problem.

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1 MR. DYSART: This is Randy Dysart.
2 I don't really care about an affidavit.
3 I'd like to see the data. I'm not a lawyer. I
4 just want to see some evidence, some data that
5 we can work with you to try to resolve the
6 issue. Whether you put it in an affidavit or
7 not, I don't care.

8 MR. SRINIVASA: Do you have the
9 data to show how often it happened in the past,
10 that the information that you received were
11 incomplete; so therefore, you had to make
12 another request, subsequently they had to go
13 back and provide you additional -- complete it?

14 MR. GOODPASTOR: I anticipate that
15 it's somewhere in our system. We would have to
16 mind it, either -- you know, we just switched
17 over to LEX, so we'd have to go through all the
18 papers and stuff. But I mean, we can organize
19 that data, yeah.

20 MR. SRINIVASA: Even to collect
21 this, it would be a manual process, too, for
22 Southwestern Bell?

23 MR. GOODPASTOR: I don't know. I
24 don't know anything about Southwestern Bell's
25 processes.

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1 MR. SRINIVASA: Well, if someone
2 calls in, if they need to track, okay, the
3 calling in time, they need to note it.

4 MR. GOODPASTOR: Well, then they
5 would probably note it in the field that's
6 somewhere in the work order status, but, you
7 know, people use different -- different
8 companies use different ways to track trouble
9 calls and things like that, so I don't know how
10 they would be able to extract that data.

11 MR. SRINIVASA: Well, prior to the
12 lunch break we asked you to track -- to me, what
13 it looks like is, trouble report. You know,
14 something similar to that. The product that you
15 provide, if there was trouble, if they're
16 calling, you track the trouble report.

17 This, to me, is, what was the mean time
18 to restore the trouble.

19 MR. DYSART: The problem we
20 have -- this is Randy Dysart, Southwestern
21 Bell.

22 The problem we have with both of these
23 issues, there is no trouble report. I mean, in
24 the situation we talked about before lunch, if
25 you have a -- the person goes out there and

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1 finds there's conditioning needed, it's not
2 completed. There's no trouble report on it.
3 There's no way to mechanically track that
4 information.

5 MS. MUDGE: And that is the exact
6 problem and that's the reason we believe there
7 needs to be a way to measure this situation,
8 because it isn't tracked anywhere else.

9 And I guess the only other thing that I
10 would like to say -- and again, I can appreciate
11 where Mr. Dysart is coming from, because he's
12 got to implement all of these. But the reality
13 is, with respect to DSL and the evolving
14 process, the fact that we're adding performance
15 measurements, I think -- I understand what the
16 Chairman said, but we're talking about for the
17 first time imposing and trying to implement a
18 comprehensive set of performance measurements
19 for DSL based on the processes that are
20 currently in place.

21 MR. SRINIVASA: What I'm --

22 MS. MUDGE: So I would just ask for the
23 opportunity to see if we can get this type of
24 data put together. And to the extent the data
25 ultimately shows, as tracked by Bell, that it's

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1 a not a problem, then it can go away in six
2 months.

3 MS. DILLARD: This is Maria
4 Dillard, Southwestern Bell.

5 We would really appreciate having any
6 kind of data or any information that the CLECs
7 have that indicate this is a real problem.
8 Because what we're talking about is truly a
9 service representative, then, having to track
10 phone calls and keep this data as opposed to
11 typing your orders and working with you on a
12 customer-to-customer basis.

13 I mean, we are truly trying to work
14 with all the CLECs that call in, work that
15 through as opposed to having them manually track
16 something and then put it in a database or
17 something like that.

18 So we'll be willing to entertain
19 whatever it is that you really think is a
20 problem, but we'd really like to see the data
21 first, because, to us, there's no reason to put
22 that in place if there's really not an issue.
23 And if it's very minute, we'd like to work with
24 them one-on-one.

25 MS. MUDGE: And that's fine. And

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1 I will make sure that Rhythms does that,
2 although I think that they currently do that.
3 What I will say, though, is that these
4 performance measurements have been filed since
5 February 22nd. And to the extent that anybody
6 didn't understand what the proposal was or the
7 intent -- you know, you encourage us to work
8 off-line, but it isn't until today that we find
9 out that they don't understand.
10 And again, I can appreciate -- and I
11 thank you for your offer. I mean, we continue
12 to take that offer back. But the fact that this
13 -- that the document that Southwestern Bell has,
14 it doesn't indicate that they don't understand,
15 because if they didn't understand, all they had
16 to do was pick up the phone and ask us, and we
17 could have had a lot of these discussions
18 off-line ahead of time.
19 MS. CHAPMAN: Well, in a lot of
20 cases we may not have realized we didn't
21 understand until we heard your explanation of
22 it. I -- you know, I had an different
23 interpretation and I didn't realize that I
24 didn't understand it until I heard your
25 explanation of this measure, what your intent

1 change our position on this measure or the
2 previous one.
3 MR. GOODPASTOR: Well, if they
4 explore it and determine that they are in fact
5 providing incomplete loop makeup data, then, I
6 hope they would change their position. But
7 we'll provide our data and data and they can
8 provide their data and we can determine --
9 hopefully by agreement.
10 MR. SIEGEL: And it might be
11 helpful to get a flowchart of at least the
12 process, when a call is received, how it gets to
13 the engineers, how -- and their process for
14 getting it back to the LSC, so if the Commission
15 decides that a measure is appropriate, you'd
16 have the process to see where the proper point
17 is for measuring.
18 MR. GOODPASTOR: Will Southwestern
19 Bell agree to provide that?
20 MS. CHAPMAN: Just a flowchart of
21 how we would handle a missing-information
22 request?
23 MR. GOODPASTOR: Sure.
24 MS. CHAPMAN: I think we could
25 probably do that.

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1 was, and then I realized what you were trying to
2 do.
3 MR. LEAHY: Tim Leahy with
4 Southwestern Bell.
5 If we could get the facts accumulated
6 by the CLECS, I think we can move forward.
7 JUDGE MASON: And I think we could
8 use the facts from the CLECS. And also, if you
9 could just explore ways, that if we went this
10 direction, how you would capture this data, that
11 would be helpful.
12 MR. SRINIVASA: Like very similar
13 to like you have trouble report --
14 JUDGE MASON: I mean --
15 MR. SRINIVASA: -- PM and there's
16 meantime --
17 JUDGE MASON: -- we know --
18 MR. SRINIVASA: -- excuse me,
19 meantime to restore PM, can that be a
20 disaggregated level for those two, would you
21 like to explore that?
22 MR. DYSART: Well -- this is Randy
23 Dysart with Southwestern Bell.
24 I think we could -- obviously, we could
25 explore it, but I don't believe that's going to

1 MR. GOODPASTOR: Great.
2 MR. SRINIVASA: Well, apparently
3 PM one point --
4 MR. SIEGEL: I think that was
5 addressed in --
6 MR. SRINIVASA: 1.4 was addressed
7 somewhere else, so that's not...
8 We are getting to PM 2.
9 (Laughter)
10 MR. SRINIVASA: Again, this is the
11 Percent Response Received Within Eight Seconds.
12 This is the percentile for the previous
13 measurement which is averaged. Apparently, we
14 do not have any benchmark proposal.
15 MS. CULLEN: Judge, this is
16 Angie Cullen, Southwestern Bell.
17 We did work on some benchmark proposals
18 for the three DSL levels of disaggregation, and
19 they're shown up on the wall there. And I'll
20 read them to you.
21 For actual loop makeup information when
22 actual data is returned, for DataGate,
23 EDI/CORBA, the 90 percent is 15 seconds. The 95
24 percent is 25 seconds.
25 MR. SRINIVASA: Okay.

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1 MS. CULLEN: The VERIGATE, the
2 80 percent is 17 seconds. And the 90 percent is
3 19 seconds. And that is based on dispatch,
4 those are the same numbers there.
5 MR. SRINIVASA: Okay.
6 MS. CULLEN: For actual loop
7 makeup information where design data is
8 returned, for each of the four categories, there
9 are the same numbers as above with an addition
10 of ten seconds.
11 And again, that's just because when you
12 do that particular lookup, you first have to
13 look for actual then you have to go look for
14 design. And this is based on the preliminary
15 benchmarks we had for PM 1, which was that we
16 thought that that design loop makeup information
17 request to design return would be about ten
18 seconds.
19 MR. SRINIVASA: Let me understand.
20 Actual -- the loop makeup request design?
21 MS. CULLEN: Returned.
22 MR. SRINIVASA: Design data is
23 returned. So it's going to be for EDI,
24 DataGate, CORBA, it's 90 percent in 25 seconds?
25 MS. CULLEN: Correct. 95 percent

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1 would be 35 seconds. And then for VERIGATE, the
2 80 percent would be 27 seconds. And the 90
3 percent would be 29 seconds.
4 MR. SRINIVASA: Okay.
5 MS. CULLEN: And then the last
6 category would be design loop makeup information
7 requested design return. 90 percent would be
8 11.9 seconds. 95 percent would be 20 seconds.
9 Again -- I'm sorry. Those were
10 DataGate, EDI, CORBA, the app-to-app. And for
11 the VERIGATE GUI, 80 percent would be 13.5
12 seconds. And 90 percent would be 15 seconds.
13 And all I did there was take the same
14 percentage distribution for the ten seconds and
15 did the math.
16 MR. SRINIVASA: How did you get
17 the 11.9 seconds?
18 MS. CULLEN: Based on the -- what
19 I did was, I took, for the first category, the
20 actual loop makeup, I calculated the ratio of
21 the 90 percent to the average of 12.6, and I
22 applied that same ratio to the 10 seconds for
23 the third transaction and the 90 and 95, and
24 likewise on the 80 and 90 for VERIGATE.
25 MR. SRINIVASA: Oh, so you

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1 proportionally --
2 MS. CULLEN: Right.
3 MR. SRINIVASA: -- reduced that?
4 Okay.
5 MS. CULLEN: And again, for an
6 interim, that's the best I could come up with.
7 MS. MUDGE: I have two questions.
8 First, with respect to the report structure, one
9 of the proposals that I believe Covad had made
10 was, we noted that the way it currently reads,
11 it's only reported for DataGate and VERIGATE.
12 We propose to add EDI, because under
13 our interconnection agreement as well as
14 arbitration award as well as what you read in
15 the benchmark, it includes EDI.
16 So I guess one thing I'd like to find
17 out is where it says, under the report
18 structure, reported on a company basis but
19 interfaced for DataGate and VERIGATE, where it
20 says DataGate, would that also include EDI and
21 CORBA. And if so, shouldn't that be included
22 for consistency.
23 MS. CULLEN: Yeah. This is
24 Angie Cullen, Southwestern Bell.
25 Ms. Mudge, if you look up on the wall,

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1 we did make those changes. Again, we had
2 originally proposed to eliminate PM 2, so we
3 hadn't made those other updates. So we will
4 incorporate all that language into the business
5 rule as stated up there. And hopefully, we've
6 caught most of that by now.
7 MR. GOODPASTOR: But Angie -- this
8 is Chris Goodpastor.
9 Are we going to receive a copy of what
10 you generate today? Can we get a copy of that
11 so I don't have to make notes?
12 MS. CULLEN: Sure. Yes.
13 MR. SRINIVASA: Okay. And also,
14 in the report structure, you're going to report
15 it for each CLEC and for ASI, your affiliate?
16 MR. DYSART: That's correct.
17 MR. SRINIVASA: Okay.
18 MS. MUDGE: And that's going to be
19 changed also, Randy, in the report structure?
20 MR. DYSART: Yes, it will be.
21 MS. MUDGE: Okay. Cool.
22 The last question I have is, I know
23 that under PM 1 when Southwestern Bell made its
24 proposal on the benchmarks, they said that it
25 would be done on an interim basis and that this

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1 would not be subject -- those benchmarks -- or
2 DSL would not be subject to damages. And I
3 guess I need to find out -- to clarify if now
4 that Performance Measurement No. 2 is the damage
5 performance measurement as opposed to
6 Performance Measurement No. 1, if Southwestern
7 Bell is also making that proposal?

8 MR. DYSART: Yes, we are.

9 MR. SRINIVASA: Are you saying
10 just for DSL measures, but other measures do
11 have --

12 MR. DYSART: Correct. I mean,
13 just in an interim until we have some data to
14 base it on. These are interim benchmarks that
15 we just created based upon, as you heard,
16 different transactions. We have no idea if
17 that's appropriate or not, so...

18 MR. SIEGEL: I need to ask two
19 questions. One, just going back to our
20 discussion this morning, would you envision us
21 receiving ASI, performance received by ASI on
22 this?

23 MR. DYSART: Yes. That's -- I
24 just --

25 MR. SIEGEL: I missed that. I'm

1 There's got to be, over the next six
2 months, some means to ensure that not only this
3 activity is done correctly, but that there is --
4 to the extent that they do not do it
5 sufficiently and quickly enough as they're
6 supposed to, that there is a -- basically, there
7 is a penalty.

8 And so at least for purposes of the
9 record, we want to say that we oppose that
10 proposal and we are asking that Performance
11 Measurement No. 2 remain as a Tier 1 low and a
12 Tier 2 medium just as all other performance
13 measurements, with respect to Performance
14 Measurement No. 2. It's applicable from a
15 damage perspective for DSL as it is with any
16 other.

17 MS. CHAPMAN: Considering the fact
18 that ASI and CLECs will be using the same
19 interfaces and will have the same response
20 times, I don't think that the damages based on
21 factors that we can't determine with certainty
22 at this time are really fair.

23 Had there been -- if this was something
24 where there wasn't an apples-to-apples
25 comparison and they were using just different

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1 sorry.

2 MR. DYSART: That's all right.

3 MR. SIEGEL: On the second one,
4 given the relationship with actual information,
5 I guess in design two, since they're building
6 off each other to dispatch required, if the
7 Commission goes with MCI's proposal to shorten
8 the dispatch required time all four by a second,
9 would you see that relationship still exist?

10 MR. DYSART: If you're talking an
11 interim benchmark, I -- you know, I guess it
12 doesn't matter if we call it interim as long as
13 the thing holds that for the period of time when
14 we have time to collect data or do an
15 appropriate analysis of it with some test
16 transactions or whatever ends up happening,
17 there's no damages applicable, if you want to
18 deduct a second, if that's what happens, that's
19 fine.

20 MS. MUDGE: Well, from Rhythms'
21 perspective, I at least want to go on the record
22 and say that we did not concur that damages
23 should not be assessed on this performance
24 measurement even though Southwestern Bell is
25 providing its proposal on the numbers.

1 systems, I could -- you know, might be able to
2 see her point. But the fact is, ASI is using
3 the exact same interfaces that are available to
4 any CLEC, and so we'll have the exact same
5 response times available to them as are
6 available to any CLEC depending on what
7 transaction they're using.

8 So I would not agree that it's
9 appropriate to put penalties on something that
10 we haven't been able to appropriately assess
11 what the appropriate times are.

12 MR. SRINIVASA: Mr. Dysart.

13 MR. DYSART: This is Randy Dysart,
14 Southwestern Bell.

15 If we want to implement an immediate
16 penalty and not wait two or three months to
17 gather data for the benchmark, then if you want
18 to do parity, and we can start that with --
19 parity with ASI immediately. I mean, I'm fine
20 with that.

21 You can't set a benchmark with no
22 knowledge of the system and then all of sudden
23 say, "Southwestern Bell, you have to pay damages
24 on this," knowing that we created the benchmark
25 last night based upon other transactions and

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1 some proportions that we used. I don't believe
2 that's a real fair way to do it, but....
3 MR. SRINIVASA: Any response?
4 They're supposing there shouldn't be a benchmark
5 if immediate penalty damages need to be
6 assessed.

7 MS. MUDGE: Southwestern Bell has
8 made -- they have sufficient information within
9 their control as to establish the interim
10 benchmark. It didn't like they pulled this
11 number out of the hat.

12 We have subject matter experts who have
13 gone and asked individuals who are actually
14 doing the processing --

15 MR. SRINIVASA: Well, is that your
16 assumption, ma'am? Do you know for a fact that
17 they've done it?

18 MS. MUDGE: Well, in a
19 conversation with Angie over -- before this
20 process started today, it was my understanding
21 that that is one of the factors that she did, is
22 she went and actually talked to the people who
23 do this. So, yes, that is my assumption.

24 MS. CULLEN: This is Angie --

25 MS. MUDGE: I'm sorry. I just

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1 think this is an issue we're going to disagree
2 about, but I thought it very important, for the
3 purposes of this record, for you to understand
4 that we oppose for this benchmark to not be
5 damages for DSL orders.

6 MR. SRINIVASA: Okay.

7 MS. CULLEN: This is Angie Cullen,
8 Southwestern Bell.

9 What -- the information that I have was
10 very preliminary based on information on test
11 transactions. This stuff did not go live until
12 last weekend. I certainly don't have any
13 significant amount of data. I did simply base
14 this on a similar transaction and the
15 appropriate percentages and a ratio thereof.

16 Again, I would restate that we're
17 willing to go with parity on these, if there's
18 an insistence that damages be paid. But as
19 these are interim benchmarks, per our agreement
20 yesterday, we would not expect to have damages
21 applied to these -- at this interim level.

22 MR. SRINIVASA: Okay. I
23 understand. We'll just move on.

24 MR. COWLISHAW: I think it's
25 clear -- I think it's the clear intent, we've

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1 had to set benchmarks on limited information
2 that have been enforceable more or less
3 immediately here before and both CLECs and
4 Southwestern Bell may have had to operate under
5 limited information, usually CLECs having to
6 operate under much more limited information.

7 But I want to make a very limited
8 point, that if you look at the words that are up
9 there, about the no damages apply, that we be
10 explicit. That is -- I understand that's
11 Southwestern Bell's proposal, and there's
12 opposition to it, but the proposal is only that
13 the no damages will apply for loop
14 qualification.

15 MS. CULLEN: Sure. We can clarify
16 that in our proposal.

17 MR. SRINIVASA: Okay.

18 MR. COWLISHAW: Put those words in
19 there.

20 MR. SIEGEL: The only thing I
21 would like to add, I'm in agreement with Rhythms
22 that, you know, benchmarks are appropriate,
23 particularly since -- because ASI isn't doing
24 the work themselves, SWBT retail is doing it, it
25 impacts ASI differently than the CLECs.

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1 If the Commission is leaning towards a
2 window, a period where no damages apply on an
3 interim window, then at a minimum I think we
4 would want a parity measure that had damages
5 applied, the benchmarks being collected, and
6 then at three months, or the latest, the next
7 six-month review, then converting over to the
8 penalties being part of whatever appropriate
9 benchmark the Commission decides.

10 MR. SRINIVASA: Okay. We'll move
11 on.

12 OSS No. 4. No. 3 is eliminated. At
13 least one out of the way.

14 PM 4, where it says "Interface
15 Availability." Covad and Rhythms have different
16 levels of disaggregation for reporting
17 structure. Can you explain what that is
18 exactly?

19 MS. MUDGE: Well, what we did was,
20 we looked at what the arbitration entitles us
21 to, and that we are entitled to use and have
22 available to us, all manual computerized and
23 automated systems together with associated
24 business processes and the up-to-date data
25 maintained in those systems. That's in the

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1 interconnection agreement as well as in the
2 arbitration award.
3 And what we sought was a level of
4 disaggregation for all of those databases and
5 backend systems that we're aware of, but we also
6 said, "Because Southwestern Bell has that
7 information solely within its control," that we
8 ask specifically for a list from Southwestern
9 Bell so that we could then, based on that
10 information, make a proposal.

11 And quite frankly, based on our
12 discussion from yesterday, as I understand, the
13 new performance measurement, 4.1, that, you
14 know, we talked about after lunch -- we haven't
15 seen it, but, I mean, we talked about it in
16 concept -- it is my understanding that that
17 would be in place where all of those backend
18 systems would be listed based on the type of
19 pre-order query.

20 But because we don't have a list, we
21 can't complete this performance measurement. We
22 can't make you a final proposal. And that's
23 what we specifically put in our February 22nd
24 filing.

25 MS. CULLEN: This is Angie Cullen,

1 MS. CULLEN: Yes.
2 MR. SRINIVASA: Okay. How about
3 LMOS?
4 MS. CULLEN: No. We would not
5 agree to LMOS.
6 MR. SRINIVASA: Why should LMOS be
7 included, can you --

8 MR. GOODPASTOR: Well, I believe
9 our position, Covad's position is that we're
10 entitled to whatever information they have in
11 their database that they have access to.
12 Now, if they want to come and tell us
13 that LMOS has no information that we would find
14 useful and provide an example of what
15 information is in LMOS, then we may be able to
16 reconsider that request.

17 But until we get a full list of what
18 they have access to and what is in those
19 databases, we would like to see a -- you know, a
20 disaggregation for each one.

21 MR. LEAHY: And Southwestern
22 Bell -- Tim Leahy, Southwestern Bell.

23 Our position is that the data for, in
24 this case, the preorder qualification
25 information, comes out of a particular database

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1 Southwestern Bell.
2 We did agree yesterday to a diagnostic
3 measure 4.1 to measure the backend -- as a
4 diagnostic, to measure the backend systems that
5 are used specifically for preorder, and we are
6 willing to add loop qual to that list, since
7 that is the backend system that is involved in
8 the three new levels of disaggregation that
9 we've agreed to for PM 1 and 2. So that can be
10 added to that list of backend systems for the
11 loop makeup, the mechanized loop makeup
12 information.

13 Some of the other systems listed are
14 not relevant to that process, so we would like
15 to limit that to the ones that were discussed
16 yesterday as well as loop qual.

17 MR. SRINIVASA: What they have
18 listed include LFACS, PREMIS -- PREMIS, of
19 course, you agreed to because that was part of
20 that preorder. LFACS, that's something new that
21 specifically --

22 MS. CULLEN: We did agree to
23 LFACS, yes, sir.

24 MR. SRINIVASA: Oh, you did agree
25 to LFACS?

1 LFACS.
2 Now, the fact that something akin to
3 that may be in another database doesn't open up
4 another database base to a performance measure.
5 The gateway to that database is provided on a
6 nondiscriminatory basis. The access to that is
7 provided on a nondiscriminatory basis. And that
8 should mean that we're not going to have that
9 measure.

10 But the idea that because we might have
11 some information somewhere else, that that --
12 that somehow that becomes incorporated into
13 performance measure is inappropriate.

14 MR. SRINIVASA: Well, let me ask
15 this. Ms. Cullen, if LMOS is another database,
16 right? There's a system there which keeps all
17 that record. There is a disk drive somewhere,
18 that information.

19 If there's a problem with that, if it
20 crashes or if there's a problem accessing
21 that -- 4.1, I thought we were trying to
22 capture partial unavailability to the extent
23 that it impacts pre-loop makeup information that
24 you provide or preorder information. So if LMOS
25 fails, you know, wouldn't that impact that?

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1 MS. CULLEN: No, sir, it would
2 not. That's our point, is that for the preorder
3 transactions -- and this was getting to the
4 CLECs concern on some of the partial
5 availability and how that was calculated for the
6 backend systems involved in preorder. And
7 specifically, LMOS is not involved as a backend
8 system for loop qual or any other preorder
9 transaction.

10 MS. MUDGE: And I guess -- I guess
11 what we're trying to -- what we're trying to
12 establish, and we thought this was the
13 appropriate place to do it, was that under our
14 arbitration award, it says that we are entitled
15 to use up all manual computerized and automated
16 system -- as I read before. I mean, there is an
17 entitlement there.

18 And what we were trying to do, through
19 this proposed measurement, was to identify, try
20 to find a method of identifying what that world
21 includes as we are entitled to it.

22 And I think this is a place where we'll
23 get into -- we're just going to, again, agree to
24 disagree. We believe that under the -- in the
25 Rhythms case, through deposition testimony that

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1 we put into the case, that it established that
2 engineers did use LEISLEAD, TIRKS -- and TIRKS.
3 I mean, I'll use those two, because I don't
4 believe LMOS at that time was one that was
5 discussed.

6 And so what we're trying to do is to,
7 if that is true, and it was a Southwestern Bell
8 people who said that, then under the arbitration
9 award, we think we're entitled to that.

10 And so what we wanted to make sure of
11 was that this performance measurement, as it was
12 originally worded in Performance Measurement No.
13 4, not 4.1, was to ensure that that -- all of
14 those databases were continually available to us
15 as were allowed to under the arbitration award.
16 That's what we're trying to do.

17 MR. SRINIVASA: Apparently, during
18 the arbitration deposition, apparently LMOS was
19 not even discussed. What I heard Ms. Cullen say
20 is that LMOS is not in the backend system.

21 Okay. What you stated a few minutes
22 ago was LEISLEAD and TIRKS, apparently, they
23 were relying on those databases to get the loop
24 qualification.

25 That being the case, if TIRKS is down,

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1 or LEISLEAD is down, how is it going to

2 impact --

3 MS. CULLEN: For the preorder
4 transactions that we're discussing up here,
5 those systems are not used. We're talking about
6 the preorder transactions that come through
7 DataGate and VERIGATE and on-line realtime deal
8 with the backend interface.

9 Now, that's a difference between what
10 an engineer might be using -- I mean, an
11 engineer would be using paper records as well as
12 a number of different things. That is not what
13 the preorder transaction is using.

14 And that's the distinction -- you know,
15 what we agreed to with 4.1 was an assessment of
16 how that worked for partial unavailability for
17 preorder since that was so much -- that was
18 somewhat confused and complex. But these two,
19 LEISLEAD and TIRKS, are not.

20 MR. SIEGEL: I don't have 4.1 in
21 front of me. But Measurement 4 is not a
22 preorder measurement, it's interface
23 availability. It includes LEX, which is an
24 ordering interface. It includes TOOLBAR, which
25 includes a variety of things, including trouble

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1 administration.

2 So I don't know if it was ever intended
3 that 4 was going to be limited to preorder
4 issues.

5 MR. SRINIVASA: 4.1 was limited to
6 preorder issues, yeah.

7 MS. CULLEN: 4.1 is what I meant,
8 Howard, was that there was some confusion over
9 the partial -- how we consider partial
10 availability for the preorder since that was
11 dealing with a variety.

12 4, in general, is based on the OSS
13 interfaces available to the CLEC, not so much
14 all of the data behind those -- every piece of
15 data that we have in our systems, but to those
16 interfaces which are available to CLECs or ASI
17 to use, and that would be just the ones that are
18 listed there DataGate, VERIGATE, anything that
19 was an app-to-app or GUI interface.

20 MR. GOODPASTOR: Well, if we need
21 to move it to 4.2 or something like that, I
22 think what Rhythms and Covad are interested in
23 is having a verifiable way to ensure that the
24 obligations in the arbitration award, that is,
25 access to all these different backend systems is

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1 complied with. That's really all we're --
2 MS. CHAPMAN: And the arbitration
3 award does not give access to the backend
4 systems. It gives access to loop qualification
5 information contained in the backend system,
6 which is a totally different scenario than
7 saying -- access to backend systems, which is
8 this what this is asking for, direct access to
9 TIRKS, which does not contain loop makeup
10 information or direct access to LFACS or any of
11 those other things.

12 What we have is access to loop qual
13 which provides CLEC with an interface that gives
14 all the loop makeup information contained in our
15 backend systems and that we have -- are
16 measuring, but measuring something that they do
17 not have as part of what our obligation to
18 provide -- something that is not our obligation
19 to provide a direct access to TIRKS is not
20 appropriate.

21 MR. SRINIVASA: Well, let me see.
22 When they send in a loop makeup request, okay,
23 to the extent that it is in your prequal system,
24 okay, a prequal system is not electronically
25 connected to TIRKS?

1 services affiliate, so I guess -- our
2 understanding in the arbitration was that it was
3 the internal engineers who had the ability to
4 use these other internal databases.
5 And again, I'm not trying to relitigate
6 that, but I do think that the same question you
7 pose with respect to Southwestern Bell
8 representatives, the question of the arbitration
9 award would be: Do Southwestern Bell's internal
10 engineers have access?

11 MR. GOODPASTOR: If I could add to
12 that, there's one -- I just want to address one
13 thing Ms. Chapman said, is that she indicated
14 that she thought the arbitration award was
15 limited to, quote, "loop makeup information."
16 It's not.

17 Actually, the clause is on Page 62. It
18 says, the arbitrators find that SWBT must
19 provide realtime electronic access to all
20 systems needed for efficient provisioning of
21 advanced services, such as xDSL. It's not
22 limited just to loop makeup -- loop qual. It
23 involves all of their systems, no matter how
24 they use them.

25 MR. LEAHY: Tim Leahy for

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1 MS. CHAPMAN: No. Prequal -- no.
2 Loop qual is not. And their -- and the CLEC's
3 interface is to the loop qual system. It is not
4 to LFACS or -- it's not a direct to any of those
5 backend systems. Loop qual is what they have an
6 interface with and loop qual -- or is what
7 DataGate or VERIGATE has the interface with. It
8 goes directly to loop qual. And then loop qual
9 goes to any of the backend systems that have
10 loop makeup information and gathers the data and
11 returns it.

12 So the interface is not directly to any
13 of those backend systems, it's to loop qual.

14 MR. CURRY: Do your service order
15 personnel have -- who are working under a joint
16 agreement with ASI have access to any of those
17 systems?

18 MS. CHAPMAN: No, they do not.
19 Service reps do not have access to LFACS, TIRKS,
20 LEISLEAD, LMOS, they don't have access to any of
21 those.

22 MS. MUDGE: And, Judge Curry, the
23 arbitration award not only talks about service
24 representatives, but it says and/or SWBT's
25 internal engineers and/or SWBT's advance

1 Southwestern Bell.
2 Conceptually, we need to divide the
3 issue into two. We've got the mechanical and
4 we've got the manual.

5 On the mechanical, we provide that
6 efficient access through that uniform interface,
7 provide it on a nondiscriminatory basis form
8 basis via ASI or be it a CLEC, and that's how
9 the CLECs get that information.

10 Now, on the manual side, our obligation
11 is as the language reflects, the engineers do a
12 manual search. They're obligated to look in
13 every database that they would look at or use
14 for purposes of providing manual loop makeup
15 information to SWBT or ASI. They use the same
16 services, databases, paper records for -- on
17 behalf of the CLECs. That's the concept. We've
18 complied with those concepts.

19 But with regard to mechanical systems,
20 of course our obligation is to provide, on a
21 nondiscriminatory basis, access to the data, and
22 we do that through the uniform processes that
23 we've talked about for a number of weeks and
24 months. And so that's the process.

25 Now, to then sort of step behind and

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1 say, "I want a connection to all these other
2 databases," is contrary to the efficient access
3 that the order -- or the award itself requires.
4 MR. SRINIVASA: Well, let me
5 understand. Eventually, when this loop
6 qualification system, in total, you know, which
7 has direct connection to a CLEC as well as to
8 your ASI, is going to include all of the
9 information that's contained in LEISLEAD, LFACS,
10 TIRKS, right, all of that is going to move into
11 that?
12 MS. CHAPMAN: It will access any
13 loop makeup information contained in any
14 electronic backend system, regardless if it's on
15 this list or not.
16 So if we have later have an electronic
17 system that has a piece of information we don't
18 have today, it will have an interface to that.
19 So you'll go through loop qual and loop qual
20 will go to any backend system that has loop
21 makeup information and return it.
22 MS. MUDGE: If that's true, then,
23 I'm sorry, I don't understand what the objection
24 is as to enlisting those backend systems that
25 will actually be used under 4.1.

1 finish.
2 MR. LEAHY: -- you've launched off
3 into another subject.
4 MR. GOODPASTOR: What the
5 arbitration award, on Page 62 says, we get
6 access to any database that they use for
7 provisioning of advance services.
8 MR. SRINIVASA: What kind of
9 access?
10 MR. GOODPASTOR: It says, realtime
11 electronic access to all systems needed for
12 provisioning of advance services, so --
13 MR. SRINIVASA: And did they state
14 some time frame for that?
15 MR. GOODPASTOR: It's supposed to
16 be out by the end of May, according to that.
17 MR. LEAHY: This was the subject
18 on motion for reconsideration or clarification
19 on behalf of Rhythms shortly afterwards, and
20 this was -- I don't have the order in front of
21 me, but the Rhythms tried to negotiate, if I
22 remember correctly, and this is subject to
23 check, they tried to negotiate this sort of
24 interface to every piece of data that we had,
25 and it was addressed by the Commission, subject

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1 I'm having a real hard time
2 understanding, then, because that's what 4.1 is
3 supposed to show, and the if it's true that in
4 the future that's what's supposed to happen,
5 then they should be listed, and they should be
6 listed now as to ones that are currently being
7 used for the purpose of loop qualification.
8 MR. GOODPASTOR: An example of
9 this is the DLC workaround. Part of that
10 process is determining whether spare copper is
11 available in the feeder. I don't know if that's
12 in LFACS or not. But if it's in a database
13 base, I'd like to be able to verify that and
14 have access to it.
15 MR. LEAHY: See, now we're into a
16 different issue. We're re-litigating the
17 arbitration. If he wants to have direct --
18 MS. GOODPASTOR: This is an
19 example --
20 MR. LEAHY: -- access to every
21 piece of paper we have we have --
22 MR. GOODPASTOR: If I could
23 finish, Tim.
24 MR. LEAHY: -- I'm sorry --
25 MR. GOODPASTOR: Tim, if I could

1 to check. That's my recollection.
2 I think we've launched off into the
3 re-litigation of the arbitration award.
4 MS. CHAPMAN: And again, I guess
5 our point would be that what I think this
6 measure -- what we're trying to capture in 4.1
7 is times when the CLEC can't use the front end
8 interfaces that they have available, because
9 then you couldn't capture any -- you know any of
10 these response times and stuff. Like if TOOLBAR
11 was down, then VERIGATE is down, you can't send
12 the loop qual, so you can't capture any of those
13 other systems.
14 Where if -- as long as VERIGATE is up,
15 DataGate is up, all these other systems are up,
16 then if a backend system is down, then that's
17 going to show up in the average response time
18 for a loop qual because it's trying to get that
19 query and it can't do it.
20 So I'm not -- I don't see -- I think it
21 would just be a double measure, in the first
22 place, in that -- like I said, if a backend
23 system is down, it's going to change the
24 response time.
25 The whole idea, I thought, was when the

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1 front end system, where they would submit their
2 request is placed.
3 MS. CHAMBERS: Does it time-out?
4 MS. CULLEN: This is Angie Cullen,
5 Southwestern Bell.
6 In most cases, I would believe any of
7 our realtime systems would have some level of
8 time-out.
9 And again, we did agree to a 4.1, and
10 we're recognizing that loop qual would be an
11 important part of that, and we'll put the loop
12 qual system in there. It's when we start
13 delving into all -- layers and layers back of
14 portions of data that those things become very
15 irrelevant and somewhat redundant to capture.
16 MR. GOODPASTOR: Chris Goodpastor,
17 Covad.
18 Very quickly, I'll just refer the
19 arbitrators here to Paragraph 5.1 of Covad's
20 agreement with Southwestern Bell, and it
21 describes that we're entitled to
22 nondiscriminatory access for (inaudible)
23 functions for preordering, ordering,
24 provisioning, maintenance and repair, and
25 billing.

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1 There's a lot of information that we
2 would like to have access to, such as room in
3 remote terminals, you know, if we could
4 determine on a realtime basis if there -- we can
5 collocate that, all sorts of information that
6 would be very helpful to us in planning our
7 business and getting our service out to
8 consumers faster.
9 So we would just like to have --
10 whatever information is available to
11 Southwestern Bell, should be available to us. I
12 would like to be able to verify that through a
13 measurement.
14 MR. LEAHY: If we want to address
15 the terms and conditions of the interconnection
16 agreements, we'd like to tee that up at the next
17 performance measure analysis meeting. Is it
18 June 1st?
19 I mean, if that's where we're headed
20 where every time we talk about a DSL issue,
21 we're going to argue over what the arbitration
22 award says, what the contract says, then we can
23 be prepared for that, but it was not our
24 understanding that that was the purpose of these
25 sorts of meetings.

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1 MR. GOODPASTOR: We submitted this
2 proposal in February 22nd. I mean, I don't
3 think it was secret, by any means.
4 MR. CURRY: I think in order to
5 move along, we would ask each of the parties who
6 are interested in doing so in submitting a very
7 brief description of their concerns on this
8 particular issue explaining why they believe
9 that these systems should be accessed or
10 accessible, or why they should not be
11 accessible, and we'll take that into
12 consideration.
13 MR. SIEGEL: Judge Srinivasa, on
14 report structure, this goes -- I'm guessing it
15 goes to 4.1 also. The report structure is
16 currently a report on aggregate CLEC basis by
17 interface, and I'm just wondering -- I guess
18 this is for Ms. Cullen, whether that's something
19 that ASI can be pulled out of the aggregate or
20 not.
21 MS. CULLEN: This is Angie Cullen,
22 Southwestern Bell.
23 These are the same systems that ASI is
24 using, so the availability times that we would
25 state for, whether it be VERIGATE or LEX or loop

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1 qual, would be identical. So I don't -- I --
2 MR. GOODPASTOR: Is it possible to
3 disaggregate it?
4 MS. CULLEN: How would I -- well
5 --
6 MR. DYSART: It's the same box.
7 MS. CULLEN: It's the same
8 physical system. We don't disaggregate that by
9 CLEC because at any given time we don't know
10 what CLEC is using what interface, so we report
11 by interface.
12 MR. SIEGEL: Is that -- because I
13 don't know how the access with LFACS and PREMIS
14 and -- we didn't get the SORD. Is that another
15 one that's in 4.1?
16 MS. CULLEN: SORD should already
17 be in 4.1 based on due date.
18 MR. SIEGEL: Are those also
19 accessed in the same kind of way or --
20 MS. CULLEN: Absolutely the same
21 kind of way.
22 MR. SRINIVASA: Okay. Until we
23 decide on the LMOS, LEISLEAD, TIRKS -- LEISLEAD
24 and TIRKS, can you add another disaggregated
25 level for loop qualification system.

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1 Apparently, that's a separate system.
2 MS. CHAPMAN: 4.1?
3 MR. SRINIVASA: 4.1.
4 MS. CULLEN: Yes. We'll add that
5 one.
6 MR. SRINIVASA: Okay. Moving
7 right along, PM 5. This is the firm order
8 confirmation.
9 MS. MUDGE: As I understand it,
10 Southwestern Bell pulled out DSL orders out of 5
11 and proposed a new 5.1.
12 MR. SRINIVASA: Right.
13 MS. CHAPMAN: Yes, just due to the
14 complexity of it so that business rule wouldn't
15 get too sloppy.
16 MR. SRINIVASA: Okay. Can you
17 explain your proposal?
18 MS. DILLARD: This is Maria
19 Dillard from Southwestern Bell.
20 What we did for 5.1 is incorporate what
21 was discussed at the last session on DSL and
22 brought forward the language from Performance
23 Measure 5 where it applied.
24 The one piece that I would add on the
25 exclusions that I just realized was not in

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1 there, which really is strictly coming from
2 Performance Measure 5, was, on the exclusions,
3 we should have added SWBT only disconnect
4 orders, which is exactly what's referenced in
5 Performance Measure 5. That's the only
6 clarification there.
7 But in the business rules, the very
8 first paragraph is exactly the same as
9 Performance Measure 5. And then as you get down
10 into the next two paragraphs, for LEX and EDI,
11 we have described when the fax start time and
12 fax end time would apply, whether or not the
13 local service center is needing to do a manual
14 loop qual. So that manual loop qual and any of
15 the loop qual time frame that the CLEC would be
16 doing that up front is excluded from the FOC
17 time.
18 MR. GOODPASTOR: If I can address
19 the exclusions proposed?
20 MR. SRINIVASA: Okay.
21 MR. GOODPASTOR: Rhythms and Covad
22 propose limiting the exclusion to orders
23 rejected for incomplete or incorrect LSR, which
24 is basically when a CLEC doesn't fill out the
25 form correctly. And then also orders that are

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1 denied for pair gain, and, you know -- I'm using
2 two terms here, reject and denied.
3 When I say "denied," I mean that
4 there's no way that the requested service can be
5 provisioned over that loop. So if you have
6 integrated DLC or pair gain, there's no way you
7 can provision and SDSL service service over
8 that.
9 MS. DILLARD: And this is
10 Maria Dillard, Southwestern Bell.
11 And we would see that captured in the
12 rejected manual or electronic LSRs because those
13 would be rejected so they would not require an
14 FOC.
15 MR. GOODPASTOR: If I could
16 continue, the -- I want you to address a couple
17 of other things here.
18 The problem with excluding all rejected
19 orders is that, you know, through our
20 discussions in these forums, we've realized that
21 there are several times that an order is
22 rejected when the service is still available.
23 You know, it's rejected because you have to
24 confirm you want a loop that's outside of the
25 draft ANSI standards, and so you submit a sup.

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1 It's rejected because a loop qual comes back and
2 says it needs conditioning, so you submit a sup
3 that says, "Okay. I want the conditioning."
4 Now, again, we've addressed some of
5 those issues with Ms. Chapman in the last
6 session such that we are going to propose some
7 new processes and Southwestern Bell has agreed
8 to look at those. But if we if we exclude all
9 rejected orders, we are excluding, you know, a
10 very large amount of Covad's orders, because all
11 rejected orders include not only orders that
12 can't be provisioned, but also orders that can.
13 And this is an issue that we also
14 raised -- was also raised by DOJ, I believe --
15 MS. DILLARD: And this is Maria.
16 And I really hate to interrupt, but we
17 have no way of recording an FOC because you will
18 never receive an FOC on a rejected order.
19 MR. GOODPASTOR: Well, that's my
20 point, we submit an LSR. What we're supposed to
21 be measuring is when we will get an FOC, how
22 often from the date we ask for a loop do we get
23 the FOC? The consumer or the customer
24 experience here is, the order is submitted, when
25 does Southwestern Bell return the FOC? That's

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1 what we're trying to measure.
2 And I'm saying that, if we submit an
3 order and they reject it, because it needs
4 conditioning, and then we sup the next day,
5 thereby, you know, lengthening the amount of
6 time it takes for us to get the FOC, that should
7 be reflected in this measure. And with the
8 exclusions as such, it won't be. It will be
9 excluded.
10 MS. CHAPMAN: And again, it would
11 not -- what would be excluded would, again, be
12 strictly up to the CLEC, depending on whether or
13 not they choose the as-is process, which I
14 understand you have issues with, because we went
15 through that in detail, or if they choose to
16 use -- look at the loop qualification
17 information up front.
18 It's not that we would exclude the
19 order. We would not start capturing the FOC
20 time until we get an order that's not rejected.
21 So as soon as you send us an order that we are
22 not going to reject, then we will capture that
23 entire time from the time we get that LSR,
24 whether it's an initial LSR or a supplement,
25 until the time we get the FOC, and that's what

1 required to use that resulted rejects and subs
2 and things like that that takes more time for us
3 to get a FOC, and that's not -- our position is
4 that that's not our doing.
5 We think that that delay created by
6 that system should be captured in this
7 measurement because it impacts the customer
8 experience so much.
9 MS. DILLARD: This is Maria
10 Dillard, Southwestern Bell.
11 The FOC clock time has always been,
12 from the very beginning on Performance Measure 5
13 and now on 5.1, on the receipt of a good LSR.
14 And what I believe you're talking about would be
15 to capture any time that we received an order,
16 we rejected the order, waited for a sup and then
17 received a good clean LSR and then FOC'd it
18 back.
19 What that would be dependent on would
20 be the CLECs's ability to send back a supplement
21 order. And based on data that we've received,
22 there could be days, months and so on before we
23 ever receive a true supplement on an order, so
24 I'm not --
25 MR. GOODPASTOR: Our proposal is a

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1 we're supposed to be trying to measure.
2 I mean, like I said, we went over this
3 as-is process. The Commission made a statement
4 saying that they approved, that they did not see
5 a problem with the as-is process as it is in
6 place, so I don't see why we keep arguing the
7 as-is process in this forum because --
8 MR. GOODPASTOR: We can agree to
9 disagree on that, Ms. Chapman, because I think
10 you did agree to look at the process we're going
11 to propose and maybe address some of our
12 concerns.
13 MS. CHAPMAN: Right. And I don't
14 have a problem with that, modifying it.
15 MR. GOODPASTOR: If I could just
16 finish. What we're supposed to be measuring --
17 you know, the reason we want to be measured from
18 the date a correct LSR is submitted to the date
19 we get the FOC is because that's a customer
20 experience. We can't tell our customer when
21 they're going to get their service until we get
22 that FOC date back from Southwestern Bell.
23 Now, if they set up a system -- and we
24 can agree to disagree on this, but it's our
25 position, they set up a system that we're

1 little narrower than that.
2 I'm proposing to exclude situations
3 where we fill out an address wrong or something
4 like that, but I am proposing to include
5 situations when we fill out the complete LSR
6 correctly, and the only reason it gets rejected
7 is because of the process that Southwestern Bell
8 has in place that we don't necessarily agree
9 with, and we believe that delay is created by
10 that process. We believe that that should show
11 up here.
12 And I know that Southwestern Bell
13 doesn't agree with me on that, but that's our
14 position.
15 MR. SRINIVASA: Let me clarify
16 something.
17 Process modifications that they agree
18 to means that they are not going to reject an
19 LSR unless you specifically ask them to do a
20 loop qual and to find out that the standard that
21 they're following does not allow you to use the
22 loop, unless you specifically ask them to do it.
23 Otherwise, they'll go ahead and provide it and
24 give you the due date.
25 MR. SIEGEL: I think the process

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1 Mr. Goodpastor is referring to is that they're
2 going to reject it, for supplements, say, do the
3 loop -- do the conditioning as opposed to just
4 doing the conditioning.

5 MR. SRINIVASA: They're not going
6 to reject it any more. That's the process
7 change that they -- unless you specifically ask
8 them to do a loop qual using their draft
9 standard.

10 MR. SIEGEL: Well, but on the flip
11 side you don't want -- you're kind of caught
12 either way. If you do as-is, you get a
13 provisioned with load coils. If don't do it
14 as-is, you get it rejected and say, "Do you want
15 load coils on it?"

16 It isn't in existence yet, but I think
17 Southwestern Bell in other forums has agreed to
18 put a spec code together, to do it would be to
19 have a code that says, condition it for me, too.

20 MR. GOODPASTOR: If necessary.

21 MR. SIEGEL: If necessary.

22 MR. GOODPASTOR: And don't apply
23 any draft ANSI standards to my request, such
24 that I can submit one LSR and Southwestern Bell
25 will determine if it needs conditioning. And if

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1 so, they will have the authority to go ahead and
2 do the conditioning.

3 And if that is the situation that's in
4 place, measuring the date that you receive the
5 LSR to the date we get the FOC back will
6 capture, you know, the appropriate measurement.

7 Now, until that's in place -- and, you
8 know, we're still drafting the proposal, we need
9 to capture our customer experience, which is, if
10 they reject the order because of PSD mask or
11 they reject the order because it requires
12 conditioning, that delays -- or we have to touch
13 the order again, we have to submit a sup and
14 then they restart the clock on the date of the
15 sup.

16 MR. SRINIVASA: Let me ask you
17 this: If they go ahead and decide, say, if
18 there were load coils. Everybody knows the load
19 coil needs to be taken off to deploy the DSL
20 service, and they can go ahead and charge you
21 for that?

22 MR. GOODPASTOR: Of course, yeah.
23 We will preauthorize charge.

24 That's the whole point, is to make this
25 as flow-through and touch-free as possible.

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1 MS. MUDGE: And that is the
2 process that we have as a homework assignment
3 that we're -- you know, we're going to get a
4 date certain that we need to provide that
5 proposal.

6 So I don't want you to think that this
7 is something that everybody has agreed to; they
8 haven't yet. But that's what we were trying to
9 discuss, and I think we discussed pretty much at
10 length on the 14th.

11 MS. CHAPMAN: I'd like to point
12 out one thing, though, now with mechanized loop
13 qual availability, the way that we're going to
14 do a reject, if we do a reject, is based on
15 information that is available to the CLEC
16 electronically before they ever submit the
17 order.

18 We are going to be basing a reject if
19 they did not use the as-is option and the CLEC
20 chose to ask for a loop that met that standard,
21 then we're going to go in and do a mechanized
22 loop qual, which a CLEC can do just as well as
23 we can up front, and base our reject or our
24 issuing of that service order on the result of
25 that mechanized loop qual.

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1 So if the CLEC gets a reject for that
2 reason, it's only because they chose not to use
3 that interface that we have made available to
4 them.

5 MR. GOODPASTOR: Right. Again,
6 Covad and Southwestern Bell disagree on the
7 utility of that interface at this point. And
8 until that is fully available and proven to be
9 as functional as some parties are claiming, we
10 would like to make sure we have a measurement to
11 address this other concern.

12 MS. MUDGE: But even if that's
13 true, Judge Srinivasa, even if what Ms. Chapman
14 -- and theoretically, I understand that that is
15 the way it's supposed to work.

16 When you're talking about doing loop
17 qual on a mechanized basis, you still are only
18 talking about 25 percent of all the loop makeup
19 information is electronic. So what I -- and I
20 apologize, because I don't like to harp on that,
21 but I don't want us to assume that I think that
22 that theoretical or the way the system works on
23 428, that may be fine, but when we're talking
24 about anything that you have to end up having an
25 engineer go and pull out, is my understanding,

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1 you know, that 75 percent -- not 75 percent of
2 the orders, but, you know, you do not have a
3 database that has all of the loop makeup
4 information on it.
5 MR. SRINIVASA: Let me ask you
6 this: As part of conditioning, they need to
7 remove -- when you say excess tap -- you may
8 have a different standard than what they have
9 for what the length of the bridge tap ought to
10 be. Should they assume whatever they have the
11 standard, say, for example, if it exceeds 2,500
12 feet (inaudible) and they think that it does not
13 have to be, but if they go ahead and remove and
14 charge you, are you going to challenge them?
15 MR. GOODPASTOR: I think this is
16 something that can be worked out with just a
17 meeting between the parties. If their standards
18 agree to ours, which, you know, they're
19 generally CSA standards, you know, network
20 design standards, 2.5 kilofeet of bridged tap is
21 the maximum for DSL, then, you know, we'll agree
22 to authorize conditioning, you know, under these
23 conditions, essentially. And I think they're
24 probably the same standards they use for ASI, so
25 I think those are details we could all work out

1 provision the loop. So that doesn't really give
2 you a condition.
3 MR. DYSART: Let me say one thing.
4 You know, I'm not a great DSL expert.
5 I'm probably one of those rookies that were
6 mentioned earlier. But I listened fairly
7 intently the 13th and 14th, and as it was
8 described to me as I heard it, you have a couple
9 of options here. As-is is an option where you
10 control whether it's rejected or not.
11 Now, if you want to be real innovative,
12 you can issue the order as-is, you can go ahead
13 and request a loop -- a manual loop qual
14 yourself and if at such time that comes back you
15 need whatever done done, you can issue
16 supplement, and there you have it. You don't
17 have to get a reject.
18 Now, that's kind of an interim process
19 that if your --
20 MR. GOODPASTOR: Supplement --
21 MR. DYSART: Can I finish?
22 MR. GOODPASTOR: I'm sorry. I
23 didn't mean to interrupt. I'm sorry. Go ahead.
24 MR. DYSART: That if you're
25 innovative, you can use that step. So it -- I

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1 as long as we sit down and discuss the process
2 flow.
3 MR. SRINIVASA: Well, what you're
4 telling me is that the as-is process has been
5 approved, but you're saying that, we order it,
6 if you find out -- you know, you send us the
7 loop makeup data, if there are load coils or if
8 there bridge tap, go ahead and take them out
9 unless you send a supplement to stop them from
10 doing it?
11 MR. GOODPASTOR: Yeah. I think if
12 we come up with an agreement of what
13 conditioning means, that is, removal of load
14 coils, removal of repeaters and removal of
15 excess bridge tap divide by some agreed upon
16 length, then we're not going to have a lot of
17 situations where a CLEC --
18 MR. SRINIVASA: Is that going to
19 be different from one CLEC to the other?
20 MR. GOODPASTOR: I doubt it. I
21 think we're all pretty much using the same
22 standard technologies.
23 The other issue is that as-is right
24 now -- I mean as-is doesn't -- if you order
25 as-is, they don't do a loop qual, they just

1 guess the bottom line from our part -- and maybe
2 -- I think we're beating this dead horse into
3 the ground, it's under the control of the CLEC
4 whether or not a reject is issued. That's our
5 position.
6 There are other alternatives until this
7 new process is put in place. You know, I don't
8 want to rehash what was discussed last time on
9 how this new process did or didn't get delayed.
10 I don't think we need to do that. That's on the
11 record. But I think that's our position, and I
12 think -- I guess I don't know that we have
13 anything else to say.
14 MS. MUDGE: Well, based on that,
15 then, maybe when we talk about having the
16 parties get together off-line and have the CLECs
17 propose some changes in the ordering process so
18 that we could have all of this together, are you
19 telling me that, you know, now that's really not
20 something that you want to do?
21 MS. CHAPMAN: Oh, no.
22 MR. DYSART: No. That's not
23 anywhere what I said.
24 MS. MUDGE: Okay.
25 MR. DYSART: I think we are more

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1 than --

2 MS. MUDGE: I just want to make
3 sure I understood. That's all.

4 MR. DYSART: -- willing and get
5 together and work out this process that was
6 discussed last time. That's not the issue.

7 MS. CHAPMAN: Yeah, process
8 enhancements, we're always willing to look at
9 other process enhancements that make things run
10 more smoothly. Smoothly is good.

11 MR. GOODPASTOR: I think the way
12 it's worded right now by Southwestern Bell, if
13 those process enhancements that we're going to
14 propose, the way I envision them, are
15 implemented successfully, then rejected is only
16 going to mean rejected when you can't get the
17 loop.

18 But right now, until that process is
19 implemented, rejected orders mean an order
20 that's rejected because you require
21 conditioning, order that's rejected because it
22 doesn't meet the PSD standards, things like
23 that. So, as Ms. Mudge said earlier, it's not
24 only important that we address what may be
25 implemented in the future, but what's going on

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1 right now and our experience right now.

2 So I think if we kind of narrow the
3 exceptions here and narrow the types of
4 rejections that we're going to throw out of this
5 measure, we may be able to just get to the heart
6 of the matter that we're thinking about.

7 MR. SRINIVASA: Okay. Exclusions,
8 what I see is, any LSR that's filled out
9 incorrectly, if it is rejected due you to that,
10 then you're going to exclude that from the firm
11 order confirmation, right?

12 And the next one is, any LSR that was
13 denied due to pair gain devices, that's not
14 going to be counted in here.

15 MS. CHAPMAN: In the FOC measure,
16 that's correct.

17 MR. SRINIVASA: Right. What other
18 exclusions are there?

19 MR. DYSART: Those are theirs.
20 Ours are all rejects, including those where they
21 didn't ask for as-is and asked us to compare it
22 to some -- I'm sorry I get that mask --

23 MR. SRINIVASA: PSD.

24 MR. DYSART: -- PSD mask, compare
25 it to that and it doesn't match what they asked

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1 us to do, those rejects will be excluded also,
2 according to Southwestern Bell's proposal.

3 MS. CHAPMAN: Right. Any reject,
4 regardless of the reject reason, it would not be
5 calculated in the FOC measure until we got an
6 LSR that was not rejected.

7 MR. GOODPASTOR: So theirs is much
8 broader in scope than what we have -- Covad and
9 Rhythms have proposed and that basically that
10 disconnect there, we think is the fault of
11 Southwestern Bell. They're saying it's our
12 fault. We think it's because of a process that
13 they have created an imposed upon us. They're
14 saying, "We've given you what you want," and we
15 disagree about that and that's why we keep going
16 back and forth.

17 MR. SRINIVASA: Well, and at the
18 same time your continuing conversation with them
19 to improve the process.

20 MR. GOODPASTOR: Yes, sir. Yes,
21 sir.

22 MS. MUDGE: Can we switch subjects
23 on the same Performance Measurement 5.1?

24 MR. SRINIVASA: Okay.

25 MS. MUDGE: With respect to the

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1 report structure, the way Southwestern Bell
2 currently has it, I actually have three
3 questions.

4 Currently, as Southwestern Bell has
5 proposed 5.1 report structure, it's reported by
6 CLEC and all CLECs.

7 My first question is that we believe
8 that that should also be reported for a ASI,
9 slash -- whether it's joint marketed -- we'd
10 like to see that and we want to know if
11 Southwestern Bell is agreeing to that.

12 MR. DYSART: This is Randy Dysart.
13 And we agree to that.

14 MS. MUDGE: Okay. And the second
15 thing is -- I knew we were going to get
16 somewhere on this one.

17 On the report structure, we had
18 proposed in ours -- in the parentheses where it
19 says fax or phone orders, Randy, under our
20 interconnection agreement as well as the
21 arbitration award, we're allowed to do e-mail,
22 and we had actually proposed e-mail to be
23 included in that parenthetical, simply to make
24 sure that it's all included.

25 MS. DILLARD: It did not include

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1 e-mail for orders. It does include e-mail, of
2 course, for the loop qual, but we do not accept
3 e-mail for any order activity, and so therefore
4 an FOC would not go back via e-mail.
5 MS. MUDGE: No e-mail for orders.
6 Now, finally, with respect to that last
7 sentence, "These are reported by the average and
8 the remainder," can you help me understand what
9 that means?

10 MR. SRINIVASA: Maybe that should
11 come out. As you recall, Mr. Dysart at one
12 point in time, we were trying to address the
13 tail issue.

14 MR. DYSART: These are the
15 percents. So yeah, we would take that out.

16 MR. COWLISHAW: I don't know that
17 it goes to report structure, but at least under
18 5.0, I think (inaudible).

19 MR. SRINIVASA: Now that we have
20 an average --

21 MR. COWLISHAW: Southwestern Bell
22 was going to report -- continue to report the X
23 percent or whatever the percentages within the
24 target interval for the various categories. And
25 I believe put on the record yesterday that they

1 for 5.0, the language that says, "The average of
2 the remainder of each measure disaggregated
3 shall not exceed 20 percent of the established
4 benchmark," comma, "excluding projects."

5 MR. DYSART: I think that would be
6 the appropriate place. I also like -- once we
7 get through that, it may be too late, but before
8 -- to address that before break, but to kind of
9 clarify what that really means, because there's
10 been a little bit -- as times went on, kind of
11 need to readdress exactly how we're going to
12 measure that.

13 Well, I can bring it up now, if you'd
14 like.

15 MS. MUDGE: Can I just make sure
16 that we are going to get that added into it,
17 5.1?

18 MR. SRINIVASA: Right. That
19 language is going into --

20 MR. DYSART: Yeah. We'll carry
21 from 5.0 over to --

22 MR. SRINIVASA: And what it means,
23 he'll explain that -- we'll take a ten-minute
24 break. We'll come back at 3:00. Let's come
25 back at ten after 3:00.

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1 will now begin reporting the average for the
2 remainder.

3 There's that average -- there's that
4 provision in the benchmark, that for whatever
5 percent don't meet the target interval, that
6 remainder should have an average interval that's
7 not more than 120 percent of the target.

8 I don't know if the intent is to
9 include parallel concept in 5.1.

10 MR. DYSART: It's not appropriate
11 in the report structure. If we're going to have
12 it, it would be more appropriate under the
13 benchmark.

14 MR. SRINIVASA: Right. Under the
15 benchmark, similar language.

16 MS. MUDGE: I'm sorry. I didn't
17 hear Mr. Dysart.

18 MR. DYSART: I said it would --
19 this is Randy Dysart, Southwestern Bell. It
20 would be more appropriate in the benchmark, not
21 in the report structure.

22 MS. MUDGE: And so, Randy, what
23 you're saying, then, it would be more
24 appropriate, then, to make under benchmark --
25 I'm looking at what Southwestern Bell proposed

1 (Recess: 2:50 p.m. to 3:38 p.m.)

2 JUDGE MASON: All right. We're
3 back on the record. I think we've discussed
4 some time deadlines. I'm going to go ahead and
5 let Judge Nelson go over those.

6 JUDGE NELSON: Okay. Yesterday we
7 talked about setting up several working sessions
8 on future performance measure sessions and also
9 setting up some off-line conference calls and/or
10 meetings between Southwestern Bell and CLECs to
11 work things out before some of the sessions.
12 There's a session -- there's a DSL working group
13 meeting not affiliated with PMS set for
14 May 15th, which I'm announcing today because a
15 lot of the parties who will attend that are here
16 today.

17 There's a DSL PM session on June 1st, a
18 PM session on June 6th, which will cover OSS,
19 change of management, billing, trunking, and
20 collocation, a PM session on the 8th of June,
21 which will cover all the remaining performance
22 measures that have not been addressed. At a
23 minimum, those include wholesale support, LNP
24 and NXX, directory assistance and OS, LIDB, 911,
25 BFRs, and general overview issues.

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1 There is a PM session set for the 9th
2 on UNES, UNE-P, and resale specials. That's a
3 carryover from yesterday's session. In
4 addition, we set up the first working session
5 for May 12th that will include a discussion
6 between the parties to resolve any sort of
7 process issues and/or the language of
8 performance measures, if possible. And to be
9 discussed at that first conference call will be
10 the issues -- or the performance measures that
11 are scheduled for the 6th of June.

12 Also, Ms. Mudge has volunteered to set
13 up two working sessions between CLECs and
14 Southwestern Bell -- off-line sessions --
15 sometime between now and the end of May or the
16 session on June 1st.

17 MS. MUDGE: With respect to DSL,
18 that's correct.

19 JUDGE NELSON: With respect to
20 DSL.

21 MS. MUDGE: And also coordinate
22 with the parties on the homework assignments and
23 try to get all of that facilitated before we
24 have the conference calls so that we can discuss
25 those different proposals and homework

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1 assignments.

2 JUDGE NELSON: And there will also
3 be a working session on June 7th to cover the
4 issues to be discussed on June 9th, including
5 UNES, UNE-P, and resale, or any other issues
6 that the parties think are appropriate. I think
7 that's all.

8 MS. MUDGE: Judge Nelson, on the
9 May 15th working group for xDSL -- the xDSL
10 working group, has that already been -- I
11 realize you announced it yesterday, but was that
12 actually announced, also, at the working group?

13 JUDGE NELSON: No. We need to
14 send out -- we'll probably send out an order on
15 that. We didn't have the date at the time of
16 the initial --

17 MS. MUDGE: Thank you.

18 JUDGE NELSON: So, to the extent
19 that you know of people that are interested in
20 that DSL that aren't here, if you would pass the
21 word along, we would appreciate it.

22 MS. MUDGE: Yes, ma'am.

23 MR. SRINIVASA: Back to the
24 drawing board. Right? Okay. Let's get back on
25 PMS.

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1 MR. SIEGEL: Are we still on 5 or
2 5.1?

3 MS. MUDGE: I thought we were
4 going to get an explanation from Mr. Dysart
5 regarding the information on -- the benchmark in
6 PM 5 and 5.1 regarding the remainders.

7 MR. DYSART: Right. This is Randy
8 Dysart, Southwestern Bell. I guess the average
9 and the remainder piece of it, in the current
10 5.0 it talks about the remainder being within 20
11 percent of the benchmark, I believe is the way
12 it's worded. What -- there's a couple of ways
13 to look at that, and I guess the one way that we
14 feel is the fairest way is to take a look at
15 that -- if the benchmark is 95 percent, for
16 example, that last 5 percent -- the highest
17 FOCs, that last 5 percent should be within 20
18 percent of the benchmark. And that captures
19 kind of your distribution, the tail piece of it.
20 If we miss it, obviously 90 percent, then we've
21 missed the benchmark, so you miss the one, so
22 the other is really not applicable at that
23 point. So I guess that would be my proposal of
24 how to calculate it.

25 The other way you look at it, if I made

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1 99 percent and I had one outlier, I would
2 automatically miss the benchmark even though my
3 performance was outstanding. So you're not
4 really capturing a normal distribution. And the
5 way of looking at the last 5 percent captures, I
6 think, the essence of what was trying to be
7 accomplished.

8 MR. SRINIVASA: Is that your
9 understanding, Mr. Cowlshaw? I think it
10 applies not only for DSL and other measures,
11 too.

12 MR. COWLISHAW: Right. It
13 applies -- I mean, it's currently in 5.0, and
14 it's being added here in 5.1. It's not data
15 that's been reported to date on the Web site.

16 MR. DYSART: That's correct.

17 MR. COWLISHAW: And I -- and so I
18 think we had frankly been thinking of it in
19 terms of -- this would actually apply to the
20 actual remainder, whatever the remainder was.
21 If they hit 93 percent within the five hours,
22 then this would be the other 7. If they hit 98
23 percent within the five hours, this would be the
24 other 2, and you would apply the test to that.
25 I understand Southwestern Bell is suggesting the

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1 way they would like to apply this is you just
2 look at the worst 5 percent, if we're talking
3 about a 95 percent benchmark --
4 MR. DYSART: Correct.
5 MR. COWLISHAW: -- and see whether
6 that meets the 120 percent test. And Randy has
7 probably said more today than he usually does
8 that he's not a lawyer. I'm going to say I am,
9 and I'm not a statistician. This is -- what
10 he's proposing doesn't sound unreasonable to me.
11 I'm a little confused about -- or can't quite
12 think through quickly how the 2 percent that are
13 caught up in the application and Z test and how
14 they are either getting lost or accounted for in
15 terms of the way the penalty plan would operate
16 if we're doing this, but I guess my reaction is
17 to say maybe to leave it the way -- or to write
18 it up the way Mr. Dysart is proposing, and I
19 think AT&T is probably, subject to check, okay
20 with it. If we talk to people who know more
21 about the statistics and have some serious
22 concern, we'll raise that at one of these calls
23 that we've got set up in the next couple of
24 weeks.
25 MR. SRINIVASA: Let me understand

1 MR. SRINIVASA: Okay.
2 MR. DYSART: Then it's that top 5
3 percent you're talking about that has to be
4 within 20 percent. So that's really -- it only
5 really applies if you make the 95 percent
6 category or the -- whatever the benchmark is.
7 If you make the benchmark, then the 20 percent
8 applies.
9 MR. SRINIVASA: Okay.
10 MR. DYSART: Because I can only
11 miss it once. That's why we set up the two
12 tier -- the two test --
13 MR. SRINIVASA: Okay. So, for
14 purposes of damages and assessments, even though
15 you pass one, if you fail the other --
16 MR. DYSART: Yeah. I'm going to
17 pay on the other --
18 MR. COWLISHAW: I'm not sure we --
19 what I'm not thinking through right now is how
20 the penalty plan applies when the basic measure
21 here is missed. If they record 90 percent FOCs
22 returned within five hours, if that's the
23 benchmark, versus the 95 percent standard -- and
24 so there's been a violation, and you then run it
25 through the remedy plan, I just -- I can't think

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1 something. You gave me an example -- you know,
2 99 percent was within that, okay, much above the
3 benchmark.
4 MR. DYSART: Right.
5 MR. SRINIVASA: Even then you will
6 take the worst --
7 MR. DYSART: Right.
8 MR. SRINIVASA: -- ones, and then
9 you calculate the average.
10 MR. DYSART: Right.
11 MR. SRINIVASA: Assuming you were
12 at 90 percent -- that means you missed it by
13 5 percent. Then, again, you're going to
14 calculate the --
15 MR. DYSART: Right.
16 MR. SRINIVASA: -- worst ones that
17 are -- the 5 percent of the worst ones and
18 calculate the average?
19 MR. DYSART: Correct. But in that
20 case, we -- you only get hit once on this
21 measurement. You have to pass both tests. So,
22 if I pass -- if I flunk the 95 percent test, the
23 other test is immaterial because you're going to
24 pay based upon the average. If you pass -- like
25 you got right at 95 percent.

1 through quickly enough whether you're really
2 paying any damages associated with that -- the
3 outlying 5 percent. You're paying damages on
4 where you fell short of meeting the 95 percent
5 standard.
6 So you could have a situation in which
7 performance is -- let's say they're down at 85
8 percent. So they're going to pay Tier 1 damages
9 on kind of the delta between 85 and 95 -- well,
10 really between 85 and 93.3, once we account for
11 the Z test, and that's addressing their failure
12 to meet that 95 percent benchmark. Well, for
13 the 5 percent between 95 percent and 100 percent
14 that they're allowed to miss, they might have
15 missed all those very little, or they might have
16 missed them all real big. And the real big part
17 is what the remainder tail test is for. So I
18 don't have a problem, I'm pretty sure, in the 99
19 percent scenario -- Randy makes the point that
20 if they've achieved 99 percent compliance with
21 their five-hour whatever the target is and their
22 1 percent has some big outliers in it -- but if
23 you look at the whole top 5 percent, they meet
24 their 120 percent test -- that seems fair to me
25 that they -- that they go ahead and look at

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1 that -- the worst 5 percent even if they've made
2 97, 98, or 99 percent compliance. But when they
3 fall short of the 95 percent benchmark, then I'm
4 not sure that it's appropriate to ignore the
5 tail part of the test, because I don't know that
6 we're really capturing all the missed
7 performance in the remedy.

8 MR. DYSART: Rather than tie up
9 this on this -- I mean, we'll write that up, and
10 I think whether or not it counts -- you know, I
11 don't know either right at this point. I was
12 always under the assumption you had to pass
13 both, but I understand your point. Maybe we
14 just need to kind of think about it.

15 MR. SRINIVASA: Okay. That's
16 fine. That's on how to apply the remedy plan.
17 That's the issue you're going to think about.

18 MR. DYSART: Right.

19 MR. SIEGEL: Okay. There's a
20 number of issues relating to disaggregation and
21 benchmarks.

22 MR. SRINIVASA: For PM 5?

23 MR. SIEGEL: PM 5.1. And,
24 actually, one of them, I think, may affect 5
25 also, when we get to it. First of all -- well,

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1 I'll leave the subloop issues for last. The
2 hours, 24 and 48, are substantially longer than
3 with the analog loops. If you look in 5.0,
4 simple res and bus, UNE loop 1 to 49 is less
5 than five hours. And what Southwestern Bell has
6 proposed here is 24 hours.

7 MR. SRINIVASA: That's five
8 business hours. Right?

9 MR. SIEGEL: I believe it's five
10 business hours. Actually, I'm guessing that
11 works the way UNE-P does. It depends on if it's
12 flow through and whether or not -- it could be
13 in the evening if it's a flow through order. I
14 don't know if that calculation detail is in
15 there -- in 5.0.

16 I believe Covad proposed four hours,
17 and that, to me, would be appropriate. Any
18 analysis also -- this may be more of a
19 provisioning issue than a FOC issue, but, you
20 know, line sharing is a much simpler process
21 electronically than an xDSL loop for the simple
22 reason that line sharing goes through Bell's
23 POTS flow, as does UNE-P, as opposed to the
24 flow -- the design flow as an analog loop does.
25 So that's a significant difference that -- you

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1 know, if it goes through line sharing, it should
2 even be less than what an analog loop is today.

3 MS. CHAPMAN: Actually, as far as
4 creating the service order itself, that's not
5 true. It does go through the POTS flow, but
6 it -- actually, with a line share loop, we have
7 to do two service orders versus the one service
8 order that we would need to for an xDSL stand
9 alone loop. So it's actually more complicated
10 service order-wise for a line shared loop than
11 it is for a non-line shared loop. Now, once it
12 starts being provisioned, you're right, the line
13 share loop goes through the POTS flow and the
14 other one -- the stand alone goes through the
15 designed flow. But that's not what we're
16 capturing in this measure, so --

17 MR. SIEGEL: Well, it still would
18 be the same or less than what you would have for
19 a UNE-P conversion. That would have three
20 service orders, so we're even one service order
21 less than what's for a UNE-P.

22 MS. CHAPMAN: But what you're
23 having to do with the service orders is more
24 complex in that with a UNE-P, you're not dealing
25 with CFA information. You're not dealing with a

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1 lot of -- with the assignment issues. There's a
2 lot of issues you're not dealing with on a
3 UNE-P, because really a UNE-P, generally, is a
4 reconfiguration of an existing service where
5 you're not doing physical work, and you're not
6 having to validate any of that sort of thing.
7 So there are more issues on a line shared loop,
8 especially initially, you know, than there would
9 be on a UNE-P. Although, you're right, we do
10 have three orders.

11 MS. DILLARD: This is Maria
12 Dillard. I'd like to address the difference in
13 the hours between the electronic on the 5.0 and
14 5.1. There is a more analytical view that has
15 to take place when you look at the loop qual
16 information, when you look at the PSD mass that
17 comes in from the CLEC. We have to go through a
18 little -- quite a bit more detail when we're
19 reviewing the order, when we're screening it,
20 before we place the order on DSL and on line
21 sharing. So that's the reason that we've asked
22 for consideration to have additional time for
23 the FOC on DSL.

24 MR. SRINIVASA: Well, you're
25 proposing the same time for both manually and

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1 electronically submitted orders. There's no
2 difference between the two. Apparently that's
3 what you're stating, right, in the process?
4 MS. DILLARD: Well, that's -- what
5 we're asking for is additional time. So, if you
6 would want to show that it was five hours
7 compared to the eight hours, we'd be willing to
8 show that for electronic.
9 MR. SIEGEL: But, I mean,
10 analytically, a lot of that logic that needs to
11 be done should be done by the computer. I mean,
12 these are supposed to be MOG-eligible orders.
13 It may take some time. But, I mean, a computer
14 can work pretty fast, and 24 hours is a
15 substantial difference when you're -- and you're
16 saying that manual and electronic is going to be
17 the exact same amount of time.
18 MS. DILLARD: Well, I guess we
19 were asking for consideration, and then that way
20 the measure would be -- to us, it would be
21 simpler to calculate with it being all
22 aggregate, I guess, if you will. We'd be
23 willing to break it out electronic versus
24 manual. We're just asking for additional time.
25 And if we want to negotiate that time, I think

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1 we can -- we'd be willing to do that. It just
2 takes additional length. That's why we said
3 five hours to eight hours. And, Mr. Siegel,
4 we're talking about those orders that fall out
5 for manual handling, not those that flow
6 through.
7 MS. CHAPMAN: Right. These would
8 not apply to the MOG orders. The MOG orders --
9 MS. DILLARD: Well, I mean, today
10 they're all --
11 MS. CHAPMAN: Right.
12 MS. DILLARD: -- together. But
13 the reason we're asking for additional time is
14 for those that fall out for manual handling.
15 MR. SIEGEL: But as it's written,
16 that extra time is asked for both those that
17 flow through and those that don't, or am I
18 misreading --
19 MS. DILLARD: Yes.
20 MR. SIEGEL: And another issue --
21 and then just -- on disaggregation, and I'm sure
22 that other folks will have something to say.
23 One thing that I had talked about on the 13th
24 and 14th -- and this applies to measures 55.1,
25 58, 59, 59.1, 60, 61, and 65 -- are the Pronto

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1 oriented subloop measure, disaggregations, which
2 I know we wanted to talk about today. And I
3 would think that those would need to be broken
4 out and disaggregated as well. Also, if I
5 understand Pronto enough -- and it's hard to
6 know, given what we've learned today -- but you
7 can order a Pronto subloop through that
8 infrastructure for voice purposes, analog
9 purposes, or data purposes. So I don't know if
10 that disaggregation needs to be in 5.0 also.
11 MR. SRINIVASA: Is there a UNE
12 category called "Pronto subloop" now?
13 MS. CHAPMAN: A UNE category?
14 MR. SRINIVASA: There is a subloop
15 that's an unbundled.
16 MS. CHAPMAN: Right.
17 MR. SRINIVASA: Are you calling it
18 a Pronto subloop?
19 MS. CHAPMAN: There will be a new
20 element that is specific to Pronto. I'm sorry.
21 I don't have the exact name of what the -- I
22 don't have the contract language that we're
23 proposing that --
24 MR. SIEGEL: There's one that's
25 called the broadband UNE.

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1 MS. CHAPMAN: The broadband UNE,
2 which -- that would be the Pronto. Subloop is
3 just -- is a subloop. So that -- they're
4 different. Both go to the RT, but the broadband
5 UNE uses the transport and doesn't require any
6 collocation by the CLEC or adjacent collocation,
7 so it's a little bit different set-up than just
8 a subloop where the CLEC has chosen to collocate
9 or do an adjacent collocation and access a loop
10 that way.
11 MR. SRINIVASA: Well, the other
12 thing that I wanted to find out is you have a
13 UNE -- well, a combination of UNE, EEL, enhanced
14 extended link. If a CLEC wants to use -- say
15 for their HDSL2, you know, the loop and the DS3
16 transport or a clear channel T1, and they want
17 to use that for the their HDSL2 applications.
18 What kind of FOC do you send if they order the
19 EEL, because they're not physically collocated
20 in one office?
21 MS. CHAPMAN: If --
22 MR. SRINIVASA: If they use the
23 DS3 transport from one office -- Southwestern
24 Bell's office A to office B is a DS3 transport.
25 MS. CHAPMAN: Okay.

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1 MR. SRINIVASA: And they want to
2 use the loop which extends from switching
3 office A to the end use customer, but they're
4 not physically collocated in A, but they're
5 physically collocated in B, but they want their
6 DS3 transport with a clear channel configuration
7 for each in DS1 in it.
8 MS. CHAPMAN: So where -- I'm
9 trying to picture this. Where -- if they're
10 using HDSL technology.
11 MR. SRINIVASA: HDSL2. Right.
12 MS. CHAPMAN: So they're using --
13 ordering in a two wire DSL capable loop. Where
14 is it that they're taking that -- where would
15 the --
16 MR. SRINIVASA: To switch --
17 MS. CHAPMAN: Where would the
18 DSLAM, I guess, be so --
19 MR. SRINIVASA: Switch office
20 location B, but they're not physically
21 collocated in A.
22 MS. CHAPMAN: But they --
23 MR. SRINIVASA: But the end use
24 customer is served off of A.
25 MS. CHAPMAN: I was just wondering

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1 is that even technically feasible? That's what
2 I was trying to think. I wouldn't -- I don't
3 think you could ride it over a DS3 if it hadn't
4 been -- if it hadn't gone through a DSLAM yet.
5 MR. GOODPASTOR: Right. You have
6 DSLAM cards, actually, that fit into MGDLC and
7 stuff like that. Is that what you're referring
8 to?
9 MR. SRINIVASA: No, no, no. That
10 is not that. This is a clear channel T1, which
11 HDSL2 will go on the clear channel. This is not
12 channelized T1 on the DS3. These are not D4
13 framing --
14 MS. CHAPMAN: Yeah, I guess we --
15 I'm not sure --
16 MR. SRINIVASA: Which is very
17 similar to what you're -- to broadband --
18 MS. CHAPMAN: Right. Which does
19 have, basically, a DSLAM functionality which --
20 MR. SRINIVASA: That's --
21 MS. CHAPMAN: -- over transport,
22 but in an extended EEL, I'm not sure that we'd
23 have a DSLAM -- we wouldn't have a DSLAM
24 functionality at the central office that we --
25 MR. SRINIVASA: You would not --

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1 MS. CHAPMAN: -- that could do the
2 same function, so you couldn't do that
3 arrangement. The reason you can do it on the
4 Pronto is because we have -- we're installing
5 equipment that will do -- basically perform that
6 DSLAM functionality so that you can send the
7 signal over transport instead of copper.
8 MR. SRINIVASA: Right. The DSLAM
9 unit -- the HDSL2 unit is located in switch
10 office B, but it rides on the clear channel T1,
11 which is one of the 28 channels of the DS3.
12 Then it takes the copper loop from that location
13 to serve the end use customer. That's the HDSL2
14 format.
15 (No response)
16 MR. SRINIVASA: You're not --
17 MS. CHAPMAN: Yeah. I'm just
18 trying -- I'm sorry. I'm just trying to picture
19 between the loop and the transport, where the
20 DSLAM functionality is.
21 MR. SRINIVASA: DSLAM -- well,
22 there's a switch room office A, switch room
23 office B. These are separated out, okay, by a
24 certain distance.
25 MS. CHAPMAN: Right.

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1 MR. SRINIVASA: Office A, they
2 have an end use customer. They have the copper
3 loop coming into that.
4 MS. CHAPMAN: Right.
5 MR. SRINIVASA: But they're not
6 physically collocated in A.
7 MR. GOODPASTOR: Oh.
8 MR. SRINIVASA: But they are
9 physically collocated in B. They want to take
10 those loops and put that onto a DS3 multiplexer.
11 In the DS3 multiplexer, you have a clear channel
12 DS1. This is not channelized DS1 which comes at
13 the other end. In office B, they have a DSLAM
14 that will pick up one of those channels.
15 MS. CHAPMAN: You're saying that
16 the HDSL signal could go over the transport
17 without going through any type of DSLAM
18 functionality in office A?
19 MR. SRINIVASA: Right. Because
20 it's a clear channel T1.
21 MR. SIEGEL: And is the distance
22 between A and B relevant?
23 MS. CHAPMAN: That wouldn't --
24 yeah, that wouldn't degrade the -- I guess
25 nobody has ever asked us to do something like

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1 that that I'm aware of.
2 MR. SRINIVASA: Okay.
3 MS. CHAPMAN: Like I said, I don't
4 know -- I'm not a network person, so I don't
5 know technically how that would work. I'm
6 sorry.
7 MR. SRINIVASA: Okay.
8 MS. CHAPMAN: That's the first
9 I've heard that question.
10 MR. NOLAND: Your Honor, we may
11 have someone here who can speak to that.
12 MS. CHAPMAN: Thank you.
13 MR. NOLAND: He was out of the
14 room just a second. Could you explain that one
15 more time?
16 (Laughter)
17 MR. SRINIVASA: Okay.
18 MR. FRISA: I'm sorry.
19 MR. SRINIVASA: There's two
20 central offices, Southwestern Bell's -- let's
21 call it A and B -- which are certain miles
22 apart. A CLEC has a potential customer -- or
23 they're going to have a customer that's served
24 off of office A. They want a copper loop. They
25 want to provide HDSL2 service to them. They're

1 either a UNE transport from us or --
2 (Simultaneous discussion)
3 MR. GOODPASTOR: He's saying
4 they're not collocated in A.
5 MR. FRISA: And I'm speaking --
6 I'm not a salesperson, so I can't speak to the
7 components that they would have to buy, but I
8 would imagine that they could buy the 28 DS1s
9 connected to a multiplexer that they would buy
10 access to and a DS3 transport that they would
11 purchase on a UNE transport basis to another
12 office and then connect to their collocation
13 cage to their DSLAM. Now, whether their DSLAM
14 will put a signal across all that multiplexed up
15 and down HDSL to the customer in office A, I
16 don't know. But it would be -- you would have
17 DS1 connectivity bidirectional from the end user
18 to office A, across the DS3, into their
19 collocation cage, and to office B for whatever
20 they're connected to.
21 MR. SRINIVASA: Okay.
22 MR. FRISA: Now, if there are
23 elements that they can buy, which I think there
24 probably are, to configure --
25 MR. SRINIVASA: HDSL2?

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1 not physically collocated in office A, but they
2 are collocated in office B. They have 28 --
3 say, for example, potentially 28 HDSL2
4 customers. They will buy 28 pairs of copper
5 loop to office A, and they will take that on to
6 a DS3 multiplexer, which is a transport and a
7 multiplexer, and at the other end -- at the
8 office B, they will break it down to the T1
9 level, which is a clear channel, which is not
10 channelized. Okay. Then they have a DSLAM
11 there, and they will connect to their DSLAM to
12 provide the HDSL2 service.
13 MR. FRISA: And the question is
14 will it work?
15 MR. SRINIVASA: Well, is the --
16 MS. CHAPMAN: Well, is it
17 technically feasible to transmit the signal that
18 way, I guess?
19 MR. FRISA: If they're bringing
20 DS1 signals -- HDSL into office A.
21 MR. SRINIVASA: A DS1 clear
22 channel signal.
23 MR. FRISA: Their collocation
24 cables and they're moving it up to a DS3 and
25 however they're getting it into their office,

1 MR. FRISA: -- all that
2 together -- well, HDSL2 is a technology.
3 MR. SRINIVASA: Right.
4 MR. FRISA: DS1 is the product
5 that's delivered across that.
6 MR. SRINIVASA: Right. So, in
7 order to provide HDSL, they would need a clear
8 channel T1?
9 MR. FRISA: Which we can provide.
10 MR. SRINIVASA: Okay. That's what
11 I was trying --
12 MR. FRISA: To a DS3 configured
13 for clear channel DS1 transport, and I guess
14 they would want to be -- we could do whatever
15 y'all want. And again, from a sales
16 perspective, I'm assuming these elements are all
17 available and they can buy them and configure
18 them. Technically, it will work.
19 MR. SRINIVASA: Okay. If that
20 is --
21 MR. FRISA: And again, their DSLAM
22 capability, I can't speak to. If they can -- if
23 their DSLAM will work across that configuration
24 to the end user in office A, cool.
25 MR. SRINIVASA: Okay.

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(Laughter)

MR. SRINIVASA: Now, that being the deal --

MR. FRISA: I'd like to know what brand it is.

MR. SRINIVASA: Okay. To do that, they would need the enhanced extended loop. Is there a way here to capture how much time -- what kind of FOC time it would take to get those kind of loops, the EELs? Right now you only have a UNE xDSL capable loop or line sharing loop.

MS. CHAPMAN: No, there is not, because --

MR. FRISA: This would be DS1.

MS. CHAPMAN: Because as we're developing this process, all the input we had received was that that type of scenario wouldn't -- even though we could hook it up, it wouldn't work to have a transport where it did not end in some sort of collocation arrangement because of the fact that you need the DSLAM functionality, so we had never developed that.

MR. FRISA: Let me try to clarify, too. From a DSL perspective, we would not be

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providing DSL. We would be providing T1 transport for a customer from office to office. What they carry across it is their service that they're going to provide to the customer. So, from a UNE perspective, it would be a DS1 UNE loop from customer to CO with some, again, packaged products of multiplexer DS3 to the other office, either delivered as a DS3 or moved to DS1 to be delivered to DS1. But it wouldn't be DSL.

MR. SRINIVASA: Okay. So it would be captured under PM 5, then, as an EEL?

MS. CHAPMAN: Yeah. If you did an EEL -- a DS1 EEL, yes, that would be captured under PM 5, not --

MR. SRINIVASA: Not under 5.1.

MS. CHAPMAN: -- here. So that's why I guess I'll --

MR. FRISA: It really shouldn't be treated as a DSL, because to us it's not DSL.

MR. SRINIVASA: Okay.

MR. FRISA: It's DS3.

MS. MUDGE: This is Katherine

Mudge on behalf of Rhythms. That is -- the exclusion that's been proposed under Performance

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Measurement No. 5 is to exclude access orders. And currently, at least with respect to dedicated transport, you have to order them through the use of the ASRs, and -- so under Performance Measurement No. 5, while you may -- we're talking about the EEL -- I want to make sure that we still go back to what we were talking about yesterday, is that for the dedicated transport that a DSL carrier would use to connect two of its switches for data services, Performance Measurement No. 5 does not -- would not count that or track that based on Southwestern Bell's proposed exclusion right now.

MS. CHAPMAN: That's not an access.

MR. DYSART: This is Randy --

MR. MINTER: This is Sean. I would say that even based on Southwestern Bell's proposed exclusion, it should count it. Because I don't believe that that should be classified as an access service.

MR. DYSART: This is Randy Dysart, Southwestern Bell. We had agreed to work with IP off-line to try to -- to get that

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incorporated, as well as interconnection trunks. I think we agreed to that yesterday. So, yeah, as currently written, it doesn't include that, but we had made arrangements yesterday to work through that, yeah.

MS. CHAPMAN: Yeah.

MR. DYSART: It's not --
(Simultaneous discussion)

MS. CHAPMAN: A UNE-P is not an access service.

JUDGE MASON: Wait.

MS. CHAPMAN: I'm sorry.

JUDGE MASON: We're on the record.

MS. CHAPMAN: That's right. Yeah, any dedicated transport is not considered an access -- even though it may be -- however it's ordered, it's not considered an access product. An access product would be anything ordered out of the access tariff and not a UNE.

MR. FRISA: If it's access, it's subject to Access Tariff 73 or whatever as a normal product that anybody can buy.

MR. SRINIVASA: Well, this is --

MR. FRISA: That's why I'm trying to say it wouldn't be subject to DSL, because to

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1 us it's not DSL. It's just a transport from X
2 to Y over products that are available if y'all
3 want to use it as DSL.
4 MR. SRINIVASA: It's a combination
5 of unbundled network elements. That's what --
6 MS. CHAPMAN: Right. Which is not
7 access --
8 MR. SRINIVASA: Right.
9 MS. CHAPMAN: -- if it's a UNE --
10 an unbundled UNE as opposed to --
11 MS. DILLARD: And this is Maria
12 Dillard. If you'd like, Mr. Siegel, we would
13 agree to change the levels of disaggregation for
14 the line sharing to mirror the 1 to 49 loops
15 that's in 5.0. I think that was an oversight.
16 And then the greater than 50 loops for 48 hours.
17 So we would mirror what's in 5.0.
18 MR. SIEGEL: I was actually
19 thinking that if it would help you to get to the
20 hours I wanted, I would be willing to lower the
21 20 to a smaller number, but --
22 MR. SRINIVASA: Yes,
23 Mr. Cowlshaw.
24 MR. COWLISHAW: If this is just
25 repeating Mr. Siegel's point, I apologize. It

1 MR. SRINIVASA: Okay. What
2 changes do we need to make, based on that --
3 about the disaggregation based on the
4 discussion?
5 MS. CHAPMAN: Well, I think if the
6 CLECs, you know, prefer it that way, I think we
7 would be willing to disaggregate stand alone
8 xDSL capable loops and line shared loops.
9 MR. SRINIVASA: Okay.
10 MS. CHAPMAN: So, yeah, we would
11 be willing to split those up.
12 MR. SRINIVASA: And also manual
13 and electronic?
14 MS. CHAPMAN: Manually submitted?
15 MR. SRINIVASA: Right. And then
16 electronically submitted.
17 MS. DILLARD: Yes. We'd just
18 still have the time frame that we'd like to have
19 considered.
20 MR. SRINIVASA: Okay. Instead of
21 five hours -- that's five business hours?
22 MS. DILLARD: Five business hours.
23 MR. SRINIVASA: When you say 24
24 hours, this is clock hours?
25 MS. DILLARD: Yes.

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1 does seem -- without going to what the interval
2 ought to be -- 24, 48, five hours -- for the
3 flow throughs as we were talking about
4 diagnostically yesterday, 30 minutes or less,
5 that to collect the data that's going to help us
6 make decisions and help the Commission evaluate
7 performance -- and given the comments that were
8 made earlier by Southwestern Bell about the line
9 sharing orders being, in their judgment, more
10 complicated to process from a service order
11 standpoint than the plain DSL capable loop
12 orders -- that seems a disaggregation that needs
13 to be made. It's otherwise being made in the
14 provisioning and maintenance measures we
15 discussed to at least separate the line sharing
16 from the final DSL capable loop.
17 It also will get to the issue that at
18 this point in time we have the affiliate
19 ordering predominantly line sharing and
20 presumably will continue to either exclusively
21 or predominantly order line sharing. So, in
22 order to be able to compare performance, it
23 would seem that you need to disaggregate the
24 line sharing FOC return from the other kind of
25 loop FOC return.

1 MR. SRINIVASA: How does --
2 MS. CHAPMAN: Working day clock
3 hours.
4 MS. DILLARD: Working day clock
5 hours. And like I said, if -- we can negotiate
6 from here. And we just --
7 (Simultaneous discussion)
8 MS. DILLARD: We've identified
9 that it takes us a longer time to --
10 JUDGE MASON: Okay. Let's stop
11 for a second.
12 MS. DILLARD: I'm sorry.
13 MS. CHAPMAN: As opposed to a
14 Saturday is -- when I was saying working day
15 clock hours. If you submitted Saturday, it
16 didn't finish up on Sunday. That's what I was
17 trying to --
18 JUDGE MASON: But you're not
19 talking business hours strictly?
20 MS. CHAPMAN: No. No. Just a
21 24-hour period, like if you submitted it --
22 MS. DILLARD: Monday through
23 Friday.
24 MS. CHAPMAN: -- at 3:00 in the
25 afternoon on Monday, you'd get it by 3:00 in the

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1 afternoon on Tuesday. But if you submitted it
2 on Friday at 3:00, it would be Monday, not
3 Saturday. That's what I meant by --
4 MR. COWLISHAW: That also brings
5 to mind a clarification. I believe Southwestern
6 Bell is agreeable. They made it yesterday to
7 5.0. And that is for the electronic orders that
8 flow through, that after-hours processing time,
9 even if it's outside of center hours, that would
10 be included. And there's language that's been
11 added to 5.0 for that purpose.

12 MS. DILLARD: That's fine. We
13 agree to that.

14 MR. SRINIVASA: Can you add that
15 to this one also, 5.1?

16 MS. DILLARD: Yes.

17 MR. SIEGEL: Since it's 24 hours
18 currently, that doesn't really change a whole
19 lot.

20 MS. DILLARD: Okay. So let me
21 make sure I understand what you're requesting.
22 Manually submitted would be the 24 hours.
23 Electronically submitted where we have flow
24 through, then we would add that language to it
25 just as we did in 5.0. And for the rest of the

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1 language, we would need to come up with a time
2 frame. And we were saying 24 hours. Since
3 they're going to be disaggregated, we could show
4 eight hours. We'd be willing to go to seven
5 hours. We have just identified it takes us a
6 longer period of time with the analysis that has
7 to take place. We need more time than the five
8 hours.

9 MR. SRINIVASA: Instead of five,
10 they're saying seven hours. Right?

11 MS. CHAPMAN: Preferably eight.

12 MR. SIEGEL: The actual time would
13 be something that we could probably try
14 negotiating on the phone call on the 12th or
15 whenever the DSL call would be.

16 MR. SRINIVASA: Okay.

17 MR. DYSART: This is Randy Dysart,
18 Southwestern Bell. Do we have agreement -- and
19 I'm trying to get this so we can get it down for
20 our meeting. I think we've agreed to
21 manual-electronic. We've agreed to UNE line
22 sharing for manual and electronic. Is that
23 correct?

24 MR. SIEGEL: That's correct. I'd
25 be happier if there was a Pronto subloop as a

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1 third disaggregation, but --

2 MS. CHAPMAN: And I don't know if
3 we know what the benchmark should be for that.

4 MR. SRINIVASA: There is a subloop
5 that's already there in --

6 MS. CHAPMAN: Yeah, the broadband
7 UNE.

8 MR. DYSART: This is Randy Dysart.
9 But for the purpose of FOC, I don't -- does it
10 need to be that way? I mean, I don't know
11 enough about it to even -- I'm just asking.

12 MR. SIEGEL: Let me ask this.
13 Where would you see it falling right now? Would
14 you see that falling under xDSL? Would you see
15 that falling under the line sharing
16 disaggregation? Or would you see it falling
17 under something under 5.0?

18 (Laughter)

19 MR. DYSART: This is Randy Dysart.
20 I don't know where in the world it will fall.

21 MS. DILLARD: I mean, if it's
22 considered a loop, then it would be under 5.0.

23 MS. CHAPMAN: Well, it's a new
24 element, and it is generally for DSL. I mean,
25 it's probably more appropriate here than under

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1 5.0, I would think.

2 MR. DYSART: Can we just take that
3 one off-line and kind of try to figure out --

4 MS. CHAPMAN: Yeah. We probably
5 need to follow up, because I know that's a
6 developing process.

7 MR. SRINIVASA: Okay.

8 MS. CHAPMAN: We need to see
9 what -- especially -- I don't think we have a
10 problem so much with having a disaggregation for
11 it, but what the appropriate benchmark for it
12 may be different from the others. I'm not sure
13 if that's --

14 MR. SRINIVASA: Right. Next --
15 you know, for the rest of this month when y'all
16 meet and discuss, maybe you need to try to reach
17 agreement even on the benchmark, and June 1st
18 when you follow up, if you would come back and
19 propose it, that will be great.

20 MS. MUDGE: This is Katherine
21 Mudge. If it's possible for us to get, for want
22 of a better term, a -- I don't know if we want
23 to call it a process flow or something that
24 would explain to us why it takes longer to
25 analyze a DSL loop order through the electronic

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1 and through the manual than it does a regular
2 order -- is there something that you can provide
3 us that would help us understand that ahead of
4 time?

5 Again, I'm not trying to create work
6 for you, but it -- conceivably what we've been
7 talking about is an electronic flow through for
8 those that will, and that it -- you know,
9 there's not manual intervention, and it goes
10 through. So I think it would be helpful if we
11 could have some facts behind the concept that it
12 takes longer and, therefore, there is a reason
13 to have something longer than five hours, for
14 example.

15 MS. DILLARD: Yes, we'll do that.

16 MS. MUDGE: Super. I appreciate
17 that.

18 MR. GOODPASTOR: There were other
19 issues of disaggregation suggested by Rhythms
20 and Covad, and I think they relate to when we
21 start the clock and when we stop the clock. You
22 know, I'm looking at the manual loop qual order
23 flow, and Southwestern Bell has proposed to
24 start the FOC interval for 5.1 when the engineer
25 returns the loop qual to the LSC.

1 take the period that it goes to the actual FOC
2 return.
3 So I don't know if that's something
4 that's already been decided by the Commission or
5 not -- I don't believe it has -- but we would
6 like to see that changed.

7 MR. SRINIVASA: Well, with the
8 process improvements that you are all
9 discussing -- like, for example, when you place
10 an LSR, if there are load calls or excessive
11 bridge taps, if you're preauthorizing them -- if
12 they're going in there and removing them, then
13 with that process in place, why shouldn't a FOC
14 be sent within 24 hours -- or five hours?

15 MR. GOODPASTOR: Well, the FOC --
16 no, not -- and when you have to do a manual loop
17 qual, they get three days to do that. So we're
18 not going to be able to get a FOC back from them
19 until they do the loop qual, and I understand
20 that.

21 MR. SRINIVASA: No, but --

22 MR. GOODPASTOR: Because they're
23 not going to know whether to apply the five-day
24 no conditioning needed interval or the ten-day
25 conditioning needed interval until they get a

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1 We would propose that you start the
2 clock on all orders, whether they're manual or
3 electronic -- whether the loop qual is done
4 manually or electronically, on the date and time
5 we submit the LSR. And if you have a manual
6 loop qual that's necessary, we're willing to
7 build in the interval for that, the three
8 business days, and then add on whatever hourly
9 interval is appropriate for the FOC.

10 What our problem -- Covad's problem
11 with the way that they've proposed to measure it
12 is -- one, we don't -- we can't verify when the
13 engineer returns the loop qual to the LSC.
14 There's nothing Covad can verify independently.
15 And, two, it doesn't really reflect the customer
16 experience, which is -- or our competitor
17 experience, which is what we believe should be
18 tracked by this.

19 We would like to know, when we submit
20 an LSR, how long does it take to get a FOC. And
21 there's different time periods that are
22 appropriate. You know, when you have to do a
23 manual loop qual, it should take longer because
24 you've got the loop qual interval in there.
25 When you don't have to do that, it should only

1 loop qual back.

2 MR. SRINIVASA: With the process
3 change, I don't know if it really -- I mean,
4 they need to send you a FOC back, because you
5 already authorized them -- assuming that there
6 are loop quals or bridge taps, they're going to
7 take them out. So they still need to send you a
8 firm order confirmation back telling you what
9 the due date is. They wouldn't know whether
10 it's three days or five days or ten days because
11 they don't know whether they need to condition
12 it or not. Is that correct?

13 MR. SIEGEL: Exactly.

14 MS. CHAPMAN: Right.

15 MR. GOODPASTOR: Exactly.

16 MS. CHAPMAN: Right. In the rare
17 case where we don't have any mechanized data
18 available, where we do our validation and we do
19 our mechanized loop qual and there's no actual
20 data, there's no manual data, there's no design
21 data -- in that rare case, we would do a manual
22 loop qual, which is where we have the manual
23 request scenario in our proposed 5.1. And since
24 that piece -- the piece that the manual loop
25 requests -- that piece is captured in -- is it

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1 1.1 now? It's captured in 1.1 under the manual
2 loop qual request. We would not what to include
3 that same time period here in the FOC measure
4 because we're capturing it somewhere else. And
5 the time stamp from when engineering returns
6 that loop qual to the LSC, that's an electronic
7 stamp. It's not something that we're logging
8 anywhere as manually. That's something that is
9 the same time stamp that we'd be using for
10 reporting that loop qual data. So that's the
11 time when it's been updated in the loop qual
12 system. It's mechanized. And we're using that
13 as the start time for our FOC, because it's
14 something we can capture electronically. It's
15 something that we don't have to have manual
16 intervention on. And it's something that -- and
17 also, if we did have a standard three-day
18 padding, I guess, when a manual was done. In
19 the case where that loop qual comes back in two
20 days, we get our FOC out in 24 -- in three hours
21 from then, we would actually have a negative
22 FOC.

23 MR. GOODPASTOR: A negative FOC?

24 MS. CHAPMAN: A negative FOC,

25 because we would have that --

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1 MR. GOODPASTOR: It would just be
2 at the interval.
3 MS. CHAPMAN: Well, we would have
4 it back before -- if you said it was -- yeah.
5 MR. GOODPASTOR: You would just
6 beat the interval. I mean, the only reason I
7 want to raise this is because I can't verify
8 when they -- the engineer returns the LQ to the
9 LSC.

10 MR. SRINIVASA: But, anyway, that
11 time is captured under 1.1, the time it takes --
12 from the time that you send the LSR to the time
13 the engineer returns the loop qual back to you
14 through e-mail or it gets loaded to the loop
15 qual system, that time is captured under 1.1.

16 MR. GOODPASTOR: Well, I mean,
17 we're still arguing about that. It's the time
18 that the loop qual -- it's not actually the day
19 we entered the order. They say it's two seconds
20 later. We think there may be some -- but
21 whatever. Yeah, that is captured in that
22 measurement. But, again, when someone says
23 they're returning FOCs within five days, that's
24 not necessarily what this is measuring. This is
25 not a FOC interval. This is an interval -- it's

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1 an interval that doesn't measure when we submit
2 the order and when we get the FOC back, which is
3 what we think is important.

4 MR. SRINIVASA: Well, in the event
5 there's a manual loop qualification, you
6 subtract three hours from the time -- do you
7 have to put an algorithm in there to subtract
8 three hours anytime there's a manual --

9 MR. DYSART: Three days.

10 MR. SIEGEL: Three days.

11 MR. SRINIVASA: Three days.

12 Potentially it could be a negative day. The
13 average --

14 MS. CHAPMAN: Right. The average
15 could be low.

16 MR. SRINIVASA: Yeah.

17 MS. CHAPMAN: So I guess in some
18 ways it might be -- if this is a benchmark, that
19 might be good for us to do it that way, because
20 we do have loop quals that come back under that.
21 But I guess just in trying to capture actually
22 the FOC process -- since the one-step
23 process, when we do that, is really combining --
24 it's not one process. It's combining two
25 processes. And so we really need to split it

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1 out in the measure so we're capturing each part
2 of the process. We're doing a loop qual
3 process. We're doing an order process. And
4 that's why the measure has been designed that
5 way so that the loop qual process is captured in
6 the loop qual measure, which is now 1.1 -- it
7 was 57 -- and then the order process and return
8 of the FOC is captured here, because they are
9 very separate functions. And that's why we
10 propose the measure that way rather than having
11 it be doubled where if -- you know, if you made
12 the loop qual -- basically, we wouldn't want to
13 get hit twice if we missed a loop qual and then
14 have that be a missed FOC as well and vice
15 versa.

16 MR. SRINIVASA: Just a second. I
17 want to get this point. Mr. Dysart, the issue
18 of what they were saying is that if there is a
19 manual loop makeup there built into that because
20 of the one-step process, can you put in a
21 program there to subtract three times 24 -- 72
22 hours?

23 MR. DYSART: Yeah. This is Randy
24 Dysart. The way we had talked about doing it is
25 trying to segment it out so that we capture the

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1 appropriate piece so that we measure your loop
2 qual, and that's the way it's implemented. So
3 we can time stamp and know if it took this
4 amount of time, and so we pulled that out. So
5 we measured the real FOC time. The way you're
6 suggesting doing it, capturing it all in one,
7 that's probably okay. But if you do that, then
8 for manual loop qual, you're going to have to
9 just get rid of your loop qual measure -- or
10 make it diagnostic, because you don't want to
11 miss both of them. Because what you've done by
12 taking a three-day and then adding five hours,
13 you've really taken one measure and combined the
14 FOC time and loop qual time together. So I
15 think, from our standpoint, one way or the
16 other, but you can't do both.
17 MS. CHAPMAN: Right. We need that
18 exclusion the way it was originally in 1.1,
19 basically that took out manual --
20 MR. GOODPASTOR: Well, my
21 biggest -- I understand the logic behind your
22 proposal, and it does make sense. My biggest
23 problem is Covad -- when these are finalized,
24 Covad is going to enter these into their system
25 and track them themselves so, when we get

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1 discrepancies within the data, we're all on the
2 same page. And what we have here is a way that
3 we cannot verify -- a measurement we can't
4 verify the start time for. So, if we can come
5 up with a way to make that data available to
6 competitors -- or have an event that is clearly
7 measurable by both sides -- or, you know,
8 another way of doing it is having an independent
9 third party gather all this data, but I have a
10 feeling Southwestern Bell is not going to want
11 to do that. You know, our problem is we can't
12 track it ourselves. And if we can't track it
13 ourselves, then we can't challenge their data,
14 because we're in the dark.
15 MR. DYSART: Let me see if maybe
16 this might help. Randy Dysart, Southwestern
17 Bell. I think where we're starting the time is
18 when we receive it back from the engineer, I
19 believe. Now, you're going to get the loop qual
20 back, so you're going to know the time. And
21 you'll get the time stamp when you receive it.
22 So we're actually starting the clock prior to
23 you receiving the loop qual information back.
24 So you're going to have a way to sort of gauge
25 that, that we started the FOC at the appropriate

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1 time.
2 MR. GOODPASTOR: Okay. So, at the
3 very latest, you will start the FOC before I
4 receive my loop qual data?
5 MR. DYSART: Correct. I mean,
6 that seemed like the fair thing to do, because
7 we had the availability of that information, so
8 we could go ahead and start the processing,
9 versus starting it when you got it back. That's
10 why the times won't match exactly. But it
11 seemed to be appropriate to have that overlap.
12 MR. SRINIVASA: It works against
13 them in a way.
14 MR. DYSART: In fairness, it does.
15 And it really --
16 (Simultaneous discussion)
17 MR. GOODPASTOR: Actually, it will
18 make our measurements as little bit better than
19 theirs. But as long as we have a verifiable way
20 of -- you know, we're sure that those two times
21 meet and that's something we can verify.
22 MR. DYSART: I believe -- this is
23 Randy Dysart. I believe that we can verify
24 that.
25 MR. GOODPASTOR: Okay.

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1 MR. DYSART: Because we are taking
2 electronic time stamps.
3 MS. MUDGE: And what we hope,
4 Randy, is to talk off-line as another homework
5 assignment for you to explain to us, then, how
6 it is -- with respect to the data that you're
7 willing to provide us, how it is we're going to
8 be able to verify the date and time that the
9 engineer returns the loop qual information to
10 the LSC.
11 MR. DYSART: This is Randy Dysart,
12 Southwestern Bell. I think, yeah, we're more
13 than willing to do that. And I think by -- the
14 way I would see this happening is we'll
15 exchange -- we'll give you that data. And it's
16 on the raw data, so obviously you could get it
17 anyway. But for a few months, I understand your
18 concern to verify that, and I don't disagree
19 with that at all. But after a few months of
20 verifying it, you may feel comfortable where
21 you're pretty confident with the start time, and
22 then we might not have any more issues.
23 MR. LEAHY: Your Honors, Tim Leahy
24 with Southwestern Bell. And I want to preface
25 my remarks by saying they're meant to be as

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1 nonconfrontational as possible. But I think
2 it's only fair that if the CLECs want to put
3 together internal processes by which they in
4 effect double-check our work, that they bring to
5 those meetings where they seek information from
6 us, that subject matter experts who will
7 actually operate those systems. It's not fair
8 to us to have to educate one group of employees
9 or representatives of some CLECs and then have
10 that information then channeled to those who
11 operate various checks and balances that the
12 CLECs may put into place. What's most
13 appropriate and most fair is that the
14 communication go between the operational
15 experts. So I would ask that the Commission
16 acknowledge our interest in dealing with the
17 CLECs on an operational level when we have these
18 sorts of discussions.

19 MR. GOODPASTOR: It's very
20 important that the lawyers are involved. And
21 what Mr. Dysart is actually educating us on
22 right now is Southwestern Bell's internal
23 workings. And regardless of who's here on
24 behalf of Covad, that's still going to need to
25 be done. We're going to do our best to get all

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1 the technical input that we need, but we are a
2 company that's strapped, and so -- I think
3 Michelle Deploy is on vacation right now, things
4 like that. So we're going to do our best to
5 have the right people there, but I can't promise
6 that it won't be me there representing Covad as
7 opposed to one of our other SMES.

8 MR. SRINIVASA: Okay. I think
9 we're going to move on to PM 6, average time to
10 return FOC.

11 MS. MUDGE: It's my understanding,
12 in the discussion yesterday, that Southwestern
13 Bell was going to change -- that initially they
14 proposed to eliminate it. But based on
15 discussions, that they were going to change this
16 performance measurement on three levels of
17 disaggregation, but we -- that's about all I had
18 on my notes.

19 MR. DYSART: This is Randy Dysart,
20 Southwestern Bell. Yeah. What we had agreed to
21 is to take a look at -- now, this was outside
22 the DSL, and we can talk about that as it
23 relates to DSL, obviously. But we had talked
24 about looking at electronic-electronic, kind of
25 the flow through, electronic-manual, and

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1 manual-manual.

2 MR. SRINIVASA: Right.

3 MR. DYSART: I think. And take a
4 look at that based upon the percentage within a
5 certain time frame -- I think 30 minutes was
6 one, and we would gather -- and we would try to
7 collect the 90 percent -- what was the 90
8 percent level to try to establish the correct
9 benchmarks as well as collecting the average.
10 And I guess to how that relates to DSL, if you
11 want to discuss that --

12 MR. SRINIVASA: There's other
13 levels of disaggregation for that same measure?

14 MR. DYSART: Yeah. There were the
15 typical complex business and all those --

16 MR. COWLISHAW: But the
17 understanding I think we had talked about
18 yesterday was just as Randy described with -- it
19 would include the disaggregation by essentially
20 order type.

21 MR. DYSART: Right. Just like we
22 had done in PM 5.

23 MS. MUDGE: And what we would seek
24 is with respect to DSL, that we have the same
25 levels of disaggregation that we ultimately come

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1 up with in 5.1. And second, with respect to the
2 report structure, that the ASI information be
3 reported separately.

4 MR. GOODPASTOR: Also, I'll add to
5 that, with respect to exclusions, that we make
6 the same recommendation on exclusions that Covad
7 and Rhythms made with respect to 5.1.

8 MR. DYSART: This is Randy Dysart.
9 Whatever we agreed to on 5.1, we'll carry
10 forward to whatever happens on 6. And then we
11 will do something similar to what we did with --

12 MR. SIEGEL: And you may even want
13 to consider -- it probably doesn't make a bit of
14 difference one way or the other, but for
15 whatever rationale was used to decide to make a
16 5.1, instead of putting all that in 5, you
17 probably want to make a 6.1.

18 MR. DYSART: I think you're
19 probably correct, because I'm already confused.

20 MR. SRINIVASA: 6.1 will also be a
21 diagnostic measure?

22 MS. CHAPMAN: Yes.

23 MR. DYSART: Correct.

24 MR. SRINIVASA: Apparently one
25 party proposed that it should be low on Tier 1

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1 and medium on Tier 2. The problem is that they
2 are paying damages and assessments on 5.1, and
3 also there is an average above that percentile
4 mark. Even if that's missed, we still need to
5 work out how that remedy plan is going to be
6 applied.

7 MR. DYSART: And the purpose of
8 this one is to sort of gain some information to
9 see if we want to shift the way we're doing
10 things to a different way. So I think it's
11 appropriate to be diagnostic for that.

12 MR. SRINIVASA: Any response from
13 CLECs on that?

14 MR. GOODPASTOR: Nothing further.

15 MR. SRINIVASA: Okay. We're done
16 with 6. 7. Apparently 7 and 8 were eliminated.
17 7.1 became -- well, we kept it as 7.1.

18 MR. SIEGEL: To your
19 consternation.

20 MR. SRINIVASA: Is the same logic
21 applicable here for DSL also?

22 MR. DYSART: This is Randy Dysart,
23 Southwestern Bell. From my perspective, it's
24 applicable as is, because we're actually
25 providing a completion notice on whatever

1 MR. DYSART: It did. We talked
2 about that yesterday.

3 MR. GOODPASTOR: I'm sorry.

4 MR. DYSART: That's okay.

5 MR. SRINIVASA: And the benchmark
6 is at 97 percent.

7 MR. DYSART: That's correct.

8 MR. SRINIVASA: And also it's a
9 Tier 1 low.

10 MR. DYSART: Correct. Man, we're
11 going now.

12 MR. SRINIVASA: All right. 8 is
13 also eliminated because we have 7.1. We're
14 going to move on to PM 9.

15 MS. CHAPMAN: All right. We may
16 get to double digits.

17 JUDGE MASON: Don't bet on it.

18 MS. CHAPMAN: Yeah, maybe not.

19 MR. SRINIVASA: Again, this is a
20 diagnostic measure for all other categories of
21 UNES and everything else. Let's see what
22 they're proposing. You're proposing 22 instead
23 of 9?

24 MS. MUDGE: Excuse me?

25 MR. SRINIVASA: Covad is proposing

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1 service it is. So, regardless of whether it's a
2 line sharing or not, I mean, it's still a
3 completion notice within one day. So it really
4 doesn't matter what you're doing it on.

5 MS. MUDGE: And I thought there
6 was a disagreement with respect to the
7 Southwestern Bell proposal level of
8 disaggregation.

9 MR. DYSART: I believe we agreed
10 to disaggregate that.

11 MS. DILLARD: Between LEX and EDI.

12 MR. DYSART: LEX and EDI.

13 MS. DILLARD: Yes, we agreed to
14 leave those disaggregated.

15 MR. DYSART: As I recall.

16 MS. MUDGE: And would the EDI --
17 never mind. Okay. Now, with respect to the
18 report structure, will Southwestern Bell report
19 that separately for its DSL affiliate?

20 MR. DYSART: Yes, we would report
21 it for ASI as well.

22 MR. GOODPASTOR: I'll just note in
23 the copy, Randy, that y'all sent around in the
24 levels of disaggregation on 7.1, I think it says
25 actually aggregate. It may be a typo.

1 PM 22.

2 MR. SIEGEL: No.

3 MR. GOODPASTOR: I think it was
4 1 -- what's now 1.2. We talked about putting
5 into 9 with respect to the rejection of orders
6 as opposed to rejection of preorder requests
7 for the makeup.

8 MR. SRINIVASA: This is the one --

9 MS. MUDGE: It's on Page 22. And
10 there actually is a -- if you will look at our
11 proposed Performance Measurement No. 9, we
12 have -- had proposed in the definition to
13 include what we considered to be manual orders,
14 those in which we place by a fax. So that's how
15 we define manual orders. We also did, by the
16 way, talk about this on -- I believe it was the
17 17th. And we also proposed changes with respect
18 to the levels of disaggregation, as well as
19 report structure.

20 MR. SRINIVASA: Okay. But you do
21 have a PM 9.1, percent rejects, initial LSR and
22 supplemental LSRs for DSL orders. And I believe
23 that Southwestern Bell's response to that is
24 PM 9 captures that.

25 MS. DILLARD: That's correct.

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1 MR. SRINIVASA: Mr. Dysart, do you
2 want to address that in your handout that
3 Southwestern Bell handed out, red line version?
4 MR. DYSART: Right. This is Randy
5 Dysart, Southwestern Bell. I believe -- from a
6 perspective of percent rejects, I guess, as we
7 said probably yesterday -- or whenever we
8 covered this measurement -- that we feel this
9 should be mechanical, because I -- at least from
10 my knowledge, all or most, at least, can be
11 submitted via electronic interface. So that's
12 kind of what we wanted to measure here. And I
13 think from our standpoint, Rhythms and Covad 9.1
14 measures practically the same thing. I guess
15 the only difference I see in there is they also
16 include fax type orders. So I see them as being
17 the same, so I don't really see a need for 9.1.
18 MR. GOODPASTOR: I think we have
19 different levels of disaggregation. I wasn't
20 here yesterday. I --
21 MS. MUDGE: Well, I think that
22 what we -- one of the main differences is as
23 that currently is worded, Performance
24 Measurement No. 9 does not -- does not capture
25 orders that are placed manually.

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1 MS. CHAPMAN: And I guess -- yeah.
2 MS. MUDGE: And --
3 MS. CHAPMAN: Go ahead.
4 MS. MUDGE: And we -- and when the
5 subject matter experts were here on April 13th,
6 14th, and 17th -- because I wrote down the dates
7 we talked about this -- we actually talked about
8 it more on the 17th -- we talked about real
9 world experiences where some of these companies
10 do that manually. Whether people like it or
11 not, they do. And we simply want to ensure that
12 all types of orders that are processed for DSL
13 are captured in Performance Measurement No. 9.
14 We just did not read it that way. And to the
15 extent we can get some agreement that it would
16 include all DSL orders, then I think what we
17 have to do is then go to the levels of
18 disaggregation and determine if that would be
19 appropriate. But that's what we're trying to
20 accomplish here.
21 MR. SRINIVASA: Well, all data
22 CLECs also have access to EDI and LEX interfaces
23 at no monthly charge for the next three years
24 that was offered to other CLECs also. Right?
25 MS. DILLARD: That's correct.

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1 MS. CHAPMAN: That's correct.
2 MR. SIEGEL: Oh, I'm sorry. We
3 submit using LEX.
4 MR. SRINIVASA: Right. But also,
5 there was no monthly fee for the next, I
6 believe, however many years are left, that
7 merger condition deal. That being free, the
8 manual process for them -- inherently it is
9 inefficient. When they're offering this for
10 free, why should they collect that data for the
11 manual process? Can you give me a good -- just
12 because you like to use manual may not be a good
13 answer. You have to tell me -- given that it is
14 free, why would you want to send manual?
15 MR. GOODPASTOR: We had --
16 originally when this was proposed, we were
17 having a lot of trouble getting pass codes for
18 LEX, so we weren't using LEX -- Covad wasn't.
19 We've since addressed that issue with
20 Southwestern Bell, and so we're now using LEX.
21 JUDGE MASON: Mr. Goodpastor, will
22 you speak up a little bit?
23 MR. GOODPASTOR: I'm sorry. I
24 think smaller companies -- and I can't speak for
25 them -- may also use manual processes while

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1 they're getting up to speed, but that was the
2 original reason we proposed including manual.
3 There are probably other reasons that other
4 companies may want to address. Also, if an
5 order falls out of LEX, it has to be processed
6 manually.
7 MS. MUDGE: What we will be happy
8 to do is we will -- on behalf of the data of
9 CLECs, we'll be happy to take this back and
10 determine, based on the current process, whether
11 or not it is necessary to include manual --
12 manual orders, whether there is any continued
13 need for it. And we'll be happy to work
14 off-line with Southwestern Bell with respect to
15 that issue. I think that with respect to the
16 report structure again -- because I have to ask
17 now on every performance measurement, will
18 Southwestern Bell agree to report separately for
19 its DSL affiliate?
20 MR. GOODPASTOR: MPower may. It's
21 a recent startup and connects south. And I
22 don't know -- and New Edge and others may submit
23 things manually.
24 MR. SRINIVASA: Let me ask you
25 this. For a LEX interface, all you need is a PC